



Journal of the Senate

State of Indiana

115th General Assembly

First Regular Session

Forty-ninth Meeting Day

Saturday Morning

April 28, 2007

The Senate convened at 10:07 a.m., with the President of the Senate, Rebecca S. Skillman, in the Chair.

Prayer was offered by Senator Frank Mrvan, Jr.

The Pledge of Allegiance to the Flag was led by the President of the Senate.

The Chair ordered the roll of the Senate to be called. Those present were:

Alting	Long
Arnold	Lubbers
Becker	Meeks
Boots	Merritt
Bray	Miller
Breaux	Mishler
Broden	Mrvan
Deig	Nugent
Delph	Paul
Dillon	Riegsecker
Drozda	Rogers
Errington	Simpson
Ford	Sipes
Gard	Skinner
Heinold	Smith
Hershman	Steele
Howard	Tallian
Hume	Walker
Jackman	Waltz
Kenley	Waterman
Kruse	Weatherwax
Lanane	Wyss
Landske	Young, M.
Lawson	Young, R.
Lewis	Zakas

Roll Call 500: present 50. The Chair announced a quorum present. Pursuant to Senate Rule 5(d), no motion having been heard, the Journal of the previous day was considered read.

SENATE MOTION

Madam President: I move that Conference Committee Report #1 to Engrossed House Bill 1566, filed April 27, 2007, be withdrawn from further consideration by the Senate.

FORD

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Howard be added as

coauthor of Engrossed Senate Bill 211.

FORD

Motion prevailed.

CONFERENCE COMMITTEE REPORTS

CONFERENCE COMMITTEE REPORT

EHB 1266-1

Madam President: Your Conference Committee appointed to confer with a like committee from the House upon Engrossed Senate Amendments to Engrossed House Bill 1266 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the House recede from its dissent from all Senate amendments and that the House now concur in all Senate amendments to the bill and that the bill be further amended as follows:

Delete everything after the enactment clause and insert the following:

SECTION 1. IC 20-12-21-6.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 6.3. (a) This section applies to an individual who:**

- (1) meets the requirements set forth in section 6 of this chapter; and**
- (2) before the date that eligibility is determined by the commission, has been placed by or with the consent of the department of child services, by a court order, or by a licensed child placing agency in:**
 - (A) a foster family home;**
 - (B) the home of a relative or other unlicensed caretaker;**
 - (C) a child caring institution; or**
 - (D) a group home.**

(b) The commission shall consider an individual described in subsection (a) as a full-need student under the commission's rules when determining the eligibility of the individual to receive financial aid administered by the commission under this chapter.

SECTION 2. IC 20-12-70-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 2. (a) As used in this chapter, "eligible student" means a student who meets the following requirements:**

- (1) Is a resident of Indiana.**
- (2) Is enrolled in grade 8 at a:**
 - (A) public school; or**
 - (B) an accredited nonpublic school that is accredited by:**
 - (i) the state board; or**

(ii) a national or regional accrediting agency whose accreditation is accepted as a school improvement plan under IC 20-31-4-2.

(3) Is eligible for free or reduced priced lunches under the national school lunch program.

(4) Agrees in writing, together with the student's custodial parents or guardian, that the student will:

(A) graduate from a secondary school located in Indiana that meets the admission criteria of an institution of higher learning;

(B) not illegally use controlled substances (as defined in IC 35-48-1-9);

(C) not commit a crime or infraction described in IC 9-30-5;

(D) not commit any other crime or delinquent act (as described in IC 31-37-1-2 or IC 31-37-2-2 through IC 31-37-2-5 (or IC 31-6-4-1(a)(1) through IC 31-6-4-1(a)(5) before their repeal));

(E) when the eligible student is a senior in high school, timely apply:

(i) to an institution of higher learning for admission; and
(ii) for any federal and state student financial assistance available to the eligible student to attend an institution of higher learning; and

(F) achieve a cumulative grade point average upon graduation of at least 2.0 on a 4.0 grading scale (or its equivalent if another grading scale is used) for courses taken during grades 9, 10, 11, and 12.

(b) The term includes a student who:

(1) before or during grade 7 or grade 8, is placed by or with the consent of the department of child services, by a court order, or by a child placing agency in:

(A) a foster family home;

(B) the home of a relative or other unlicensed caretaker;

(C) a child caring institution; or

(D) a group home;

(2) agrees in writing, together with the student's caseworker (as defined in IC 31-9-2-11), to the conditions set forth in subsection (a)(4); and

(3) except for the requirement set forth in subdivision (2), otherwise meets the requirements of this section.

SECTION 3. IC 20-12-70-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 15. The commission shall adopt rules under IC 4-22-2 to implement this chapter, including:

(1) rules regarding the establishment of appeals procedures for individuals who become disqualified from the program under section 12 of this chapter; ~~and~~

(2) notwithstanding section 2 of this chapter, rules that may include students who are in grades other than grade 8 as eligible students; **and**

(3) rules that allow a student described in section 2(b) of this chapter to become an eligible student while the student is in high school, if the student agrees to comply with the requirements set forth in section 2(a)(4)(B) through section 2(a)(4)(D) of this chapter for not less than six (6) months after graduating from high school.

SECTION 4. IC 20-12-70-17 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 17. **(a) This section applies to a student described in section 2(b) of this chapter.**

(b) A caseworker shall provide each student to whom the caseworker is assigned information concerning the program at the appropriate time for the student to receive the information and explain the program to the student.

(c) A student who receives information under this section shall sign a written acknowledgment that the student received the information. The written acknowledgment must be placed in the student's case file.

SECTION 5. IC 21-11-9-4, AS ADDED BY SEA 526-2007, SECTION 522, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 4. The commission shall adopt rules under IC 4-22-2 to implement IC 21-12-6, including:

(1) rules regarding the establishment of appeals procedures for individuals who become disqualified from the program under IC 21-12-6-9; ~~and~~

(2) notwithstanding IC 21-12-6-5, rules that may include students who are in grades other than grade 8 as eligible students; **and**

(3) rules that allow a student described in IC 21-12-6-5(b) to become an eligible student while the student is in high school, if the student agrees to comply with the requirements set forth in IC 21-12-6-5(a)(4)(B) through IC 21-12-6-5(a)(4)(D) for not less than six (6) months after graduating from high school.

SECTION 6. IC 21-12-3-1, AS ADDED BY SEA 526-2007, SECTION 523, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1. **(a) An applicant is eligible for a first year higher education award under this chapter if the student meets the following requirements:**

(1) The applicant is a resident of Indiana, as defined by the commission.

(2) The applicant:

(A) has successfully completed the program of instruction at an approved secondary school;

(B) has been granted a:

(i) high school equivalency certificate before July 1, 1995; or

(ii) state of Indiana general educational development (GED) diploma under IC 20-20-6 or IC 20-10.1-12.1 (before its repeal); or

(C) is a student in good standing at an approved secondary school and is engaged in a program that in due course will be completed by the end of the current academic year.

(3) The financial resources reasonably available to the applicant, as defined by the commission, are such that, in the absence of a higher education award under this chapter, the applicant would be deterred from completing the applicant's education at the approved postsecondary educational institution that the applicant has selected and that has accepted the applicant. In determining the financial resources reasonably available to an applicant to whom IC 21-11-7 applies, the commission must consider the financial resources of the applicant's legal parent.

(4) The applicant will use the award initially at that approved postsecondary educational institution.

(5) If the student is already enrolled in an approved postsecondary educational institution, the applicant must be a full-time student and be making satisfactory progress, as determined by the commission, toward a first baccalaureate degree.

(6) The student declares, in writing, a specific educational objective or course of study and enrolls in:

(A) courses that apply toward the requirements for completion of that objective or course of study; or

(B) courses designed to help the student develop the basic skills that the student needs to successfully achieve that objective or continue in that course of study.

(b) This subsection applies to an individual who:

(1) meets the requirements set forth in subsection (a); and

(2) before the date that eligibility is determined by the commission, has been placed by or with the consent of the department of child services, by a court order, or by a licensed child placing agency in:

(A) a foster family home;

(B) the home of a relative or other unlicensed caretaker;

(C) a child caring institution; or

(D) a group home.

The commission shall consider an individual to whom this subsection applies as a full-need student under the commission's rules when determining the eligibility of the individual to receive financial aid administered by the commission under this chapter.

SECTION 7. IC 21-12-6-5, AS ADDED BY SEA 526-2007, SECTION 523, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 5. **(a)** To qualify to participate in the program, a student must meet the following requirements:

(1) Be a resident of Indiana.

(2) Be:

(A) enrolled in grade 8 at a:

(i) ~~public school; or an accredited~~

(ii) ~~nonpublic school that is accredited either by the state board of education or by a national or regional accrediting agency whose accreditation is accepted as a school improvement plan under IC 20-31-4-2; or~~

(B) otherwise qualified under the rules of the commission that are adopted under IC 21-11-9-4 to include students who are in grades other than grade 8 as eligible students.

(3) Be eligible for free or reduced priced lunches under the national school lunch program.

(4) Agree, in writing, together with the student's custodial parents or guardian, that the student will:

(A) graduate from a secondary school located in Indiana that meets the admission criteria of an eligible institution;

(B) not illegally use controlled substances (as defined in IC 35-48-1-9);

(C) not commit a crime or an infraction described in IC 9-30-5;

(D) not commit any other crime or delinquent act (as described in IC 31-37-1-2 or IC 31-37-2-2 through IC 31-37-2-5 (or IC 31-6-4-1(a)(1) through

IC 31-6-4-1(a)(5) before their repeal));

(E) timely apply, when the eligible student is a senior in high school:

(i) for admission to an eligible institution; and

(ii) for any federal and state student financial assistance available to the eligible student to attend an eligible institution; and

(F) achieve a cumulative grade point average upon graduation of at least 2.0 on a 4.0 grading scale (or its equivalent if another grading scale is used) for courses taken during grades 9, 10, 11, and 12.

(b) The term includes a student who:

(1) before or during grade 7 or grade 8, is placed by or with the consent of the department of child services, by a court order, or by a child placing agency in:

(A) a foster family home;

(B) the home of a relative or other unlicensed caretaker;

(C) a child caring institution; or

(D) a group home;

(2) agrees in writing, together with the student's caseworker (as defined in IC 31-9-2-11), to the conditions set forth in subsection (a)(4); and

(3) except as provided in subdivision (2), otherwise meets the requirements of subsection (a).

SECTION 8. IC 21-12-6-14 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 14. **(a)** This section applies to a student described in section 2(b) of this chapter.

(b) A caseworker shall provide each student to whom the caseworker is assigned information concerning the program at the appropriate time for the student to receive the information and explain the program to the student.

(c) A student who receives information under this section shall sign a written acknowledgment that the student received the information. The written acknowledgment must be placed in the student's case file.

SECTION 9. [EFFECTIVE UPON PASSAGE] **(a)** Before June 30, 2008, the state student assistance commission shall offer an opportunity to become an eligible student (as defined in IC 20-12-70-2(a), as amended by this act (before its repeal), and IC 21-12-6-5(a), as amended by this act) to any student who, during the 2005-2006 school year or 2006-2007 school year:

(1) met the eligibility criteria set forth in IC 20-12-70-2(a), as amended by this act (before its repeal), or IC 21-12-6-5(a), as amended by this act, as if IC 20-12-70-2(a)(2)(B), as amended by this act (before its repeal), or IC 21-12-6-5(a)(2)(A)(ii), as amended by this act, had been in effect at the time; and

(2) was enrolled in grade 8 at a nonpublic school that is accredited by a method set forth in IC 20-12-70-2(a)(2)(B), as amended by this act (before its repeal), or IC 21-12-6-5(a)(2)(A)(ii), as amended by this act.

(b) This SECTION expires July 1, 2008.

SECTION 10. **An emergency is declared for this act.**

(Reference is to EHB 1266 as printed March 16, 2007.)

Avery, Chair
Noe
House Conferees

Lubbers
Rogers
Senate Conferees

Roll Call 501: yeas 45, nays 0. Report adopted.

CONFERENCE COMMITTEE REPORT

ESB 9-1

Madam President: Your Conference Committee appointed to confer with a like committee from the House upon Engrossed House Amendments to Engrossed Senate Bill 9 respectfully reports that said two committees have conferred and agreed as follows to wit: that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 22-11-14-1, AS AMENDED BY P.L.187-2006, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. As used in this chapter and IC 22-11-14.5:

"Auto burglar alarm" means a tube that contains pyrotechnic composition that produces a loud whistle or smoke when ignited. A small quantity of explosive, not exceeding fifty (50) milligrams, may also be used to produce a small report. A squib is used to ignite the device.

"Booby trap" means a small tube with string protruding from both ends, similar to a party popper in design. The ends of the string are pulled to ignite the friction sensitive composition, producing a small report.

"Chaser" means a device, containing fifty (50) milligrams or less of explosive composition, that consists of a small paper or cardboard tube that travels along the ground upon ignition. A whistling effect is often produced, and a small noise may be produced.

"Cigarette load" means a small wooden peg that has been coated with a small quantity of explosive composition. Upon ignition of a cigarette containing one (1) of the pegs, a small report is produced.

"Consumer firework" means a small firework that is designed primarily to produce visible effects by combustion, and that is required to comply with the construction, chemical composition, and labeling regulations promulgated by the United States Consumer Product Safety Commission under 16 CFR 1507. The term also includes some small devices designed to produce an audible effect, such as whistling devices, ground devices containing fifty (50) milligrams or less of explosive composition, and aerial devices containing one hundred thirty (130) milligrams or less of explosive composition. Propelling or expelling charges consisting of a mixture of charcoal, sulfur, and potassium nitrate are not considered as designed to produce an audible effect. Consumer fireworks:

(1) include:

(A) aerial devices, which include sky rockets, missile type rockets, helicopter or aerial spinners, roman candles,

mines, and shells;

(B) ground audible devices, which include firecrackers, salutes, and chasers; and

(C) firework devices containing combinations of the effects described in clauses (A) and (B); and

(2) do not include the items referenced in section 8(a) of this chapter.

"Cone fountain" means a cardboard or heavy paper cone which contains up to fifty (50) grams of pyrotechnic composition, and which produces the same effect as a cylindrical fountain.

"Cylindrical fountain" means a cylindrical tube not exceeding three-quarters (3/4) inch in inside diameter and containing up to seventy-five (75) grams of pyrotechnic composition. Fountains produce a shower of color and sparks upon ignition, and sometimes a whistling effect. Cylindrical fountains may contain a spike to be inserted in the ground (spike fountain), a wooden or plastic base to be placed on the ground (base fountain), or a wooden handle or cardboard handle for items designed to be hand held (handle fountain).

"Dipped stick" or "wire sparkler" means a stick or wire coated with pyrotechnic composition that produces a shower of sparks upon ignition. Total pyrotechnic composition does not exceed one hundred (100) grams per item. Those devices containing chlorate or perchlorate salts do not exceed five (5) grams in total composition per item. Wire sparklers that contain no magnesium and that contain less than one hundred (100) grams of composition per item are not included in the category of consumer fireworks.

"Distributor" means a person who sells fireworks to wholesalers and retailers for resale.

"Explosive composition" means a chemical or mixture of chemicals that produces an audible effect by deflagration or detonation when ignited.

"Firecracker" or "salute" is a device that consists of a small paper wrapped or cardboard tube containing not more than fifty (50) milligrams of pyrotechnic composition and that produces, upon ignition, noise, accompanied by a flash of light.

"Firework" means any composition or device designed for the purpose of producing a visible or audible effect by combustion, deflagration, or detonation. Fireworks consist of consumer fireworks, items referenced in section 8(a) of this chapter, and special fireworks. The following items are excluded from the definition of fireworks:

(1) Model rockets.

(2) Toy pistol caps.

(3) Emergency signal flares.

(4) Matches.

(5) Fixed ammunition for firearms.

(6) Ammunition components intended for use in firearms, muzzle loading cannons, or small arms.

(7) Shells, cartridges, and primers for use in firearms, muzzle loading cannons, or small arms.

(8) Indoor pyrotechnics special effects material.

(9) M-80s, cherry bombs, silver salutes, and any device banned by the federal government.

"Flitter sparkler" means a narrow paper tube filled with pyrotechnic composition that produces color and sparks upon ignition. These devices do not use a fuse for ignition, but rather are

ignited by igniting the paper at one (1) end of the tube.

"Ground spinner" means a small spinning device that is similar to wheels in design and effect when placed on the ground and ignited, and that produces a shower of sparks and color when spinning.

"Helicopter" or "aerial spinner" is a spinning device:

- (1) that consists of a tube up to one-half (1/2) inch in inside diameter and that contains up to twenty (20) grams of pyrotechnic composition;
- (2) to which some type of propeller or blade device is attached; and
- (3) that lifts into the air upon ignition, producing a visible or audible effect at the height of flight.

"Illuminating torch" means a cylindrical tube that:

- (1) contains up to one hundred (100) grams of pyrotechnic composition;
- (2) produces, upon ignition, a colored fire; and
- (3) is either a spike, base, or handle type device.

"Importer" means:

- (1) a person who imports fireworks from a foreign country; or
- (2) a person who brings or causes fireworks to be brought within this state for subsequent sale.

"Indoor pyrotechnics special effects material" means a chemical material that is clearly labeled by the manufacturer as suitable for indoor use (as provided in National Fire Protection Association Standard 1126 (2001 edition)).

"Interstate wholesaler" means a person who is engaged in interstate commerce selling fireworks.

"Manufacturer" means a person engaged in the manufacture of fireworks.

"Mine" or "shell" means a device that:

- (1) consists of a heavy cardboard or paper tube up to two and one-half (2 1/2) inches in inside diameter, to which a wooden or plastic base is attached;
- (2) contains up to forty (40) grams of pyrotechnic composition; and
- (3) propels, upon ignition, stars (pellets of pressed pyrotechnic composition that burn with bright color), whistles, parachutes, or combinations thereof, with the tube remaining on the ground.

"Missile-type rocket" means a device that is similar to a sky rocket in size, composition, and effect, and that uses fins rather than a stick for guidance and stability.

"Municipality" has the meaning set forth in IC 36-1-2-11.

"Party popper" means a small plastic or paper item containing not more than sixteen (16) milligrams of explosive composition that is friction sensitive. A string protruding from the device is pulled to ignite it, expelling paper streamers and producing a small report.

"Person" means an individual, an association, an organization, a limited liability company, or a corporation.

"Pyrotechnic composition" means a mixture of chemicals that produces a visible or audible effect by combustion rather than deflagration or detonation. Pyrotechnic compositions will not explode upon ignition unless severely confined.

"Responding fire department" means the paid fire department or volunteer fire department that renders fire protection services to a political subdivision.

"Retail sales stand" means a temporary business site or location

where goods are to be sold.

"Retailer" means a person who purchases fireworks for resale to consumers.

"Roman candle" means a device that consists of a heavy paper or cardboard tube not exceeding three-eighths (3/8) inch in inside diameter and that contains up to twenty (20) grams of pyrotechnic composition. Upon ignition, up to ten (10) stars (pellets of pressed pyrotechnic composition that burn with bright color) are individually expelled at several second intervals.

"Sky rocket" means a device that:

- (1) consists of a tube that contains pyrotechnic composition;
- (2) contains a stick for guidance and stability; and
- (3) rises into the air upon ignition, producing a burst of color or noise at the height of flight.

"Smoke device" means a tube or sphere containing pyrotechnic composition that produces white or colored smoke upon ignition as the primary effect.

"Snake" or "glow worm" means a pressed pellet of pyrotechnic composition that produces a large, snake-like ash upon burning. The ash expands in length as the pellet burns. These devices do not contain mercuric thiocyanate.

"Snapper" means a small, paper wrapped item containing a minute quantity of explosive composition coated on small bits of sand. When dropped, the device explodes, producing a small report.

"Special discharge location" means a location designated for the discharge of consumer fireworks by individuals in accordance with rules adopted under section 3.5 of this chapter.

"Special fireworks" means fireworks designed primarily to produce visible or audible effects by combustion, deflagration, or detonation, including firecrackers containing more than one hundred thirty (130) milligrams of explosive composition, aerial shells containing more than forty (40) grams of pyrotechnic composition, and other exhibition display items that exceed the limits for classification as consumer fireworks.

"Trick match" means a kitchen or book match that has been coated with a small quantity of explosive or pyrotechnic composition. Upon ignition of the match, a small report or a shower of sparks is produced.

"Trick noisemaker" means an item that produces a small report intended to surprise the user.

"Wheel" means a pyrotechnic device that:

- (1) is attached to a post or tree by means of a nail or string;
- (2) contains up to six (6) driver units (tubes not exceeding one-half (1/2) inch in inside diameter) containing up to sixty (60) grams of composition per driver unit; and
- (3) revolves, upon ignition, producing a shower of color and sparks and sometimes a whistling effect.

"Wholesaler" means a person who purchases fireworks for resale to retailers.

SECTION 2. IC 22-11-14-10.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 10.5. (a) As used in this section, the term "use" means the ability of a county or municipality to regulate the days and hours when consumer fireworks may be used, ignited, or discharged.**

(b) Notwithstanding any other provision of this chapter:

- (1) a county may adopt an ordinance concerning the use of consumer fireworks in the unincorporated areas**

of the county; and

(2) a municipality may adopt an ordinance concerning the use of consumer fireworks within the corporate limits of the municipality.

(c) An ordinance adopted under this section:

(1) may limit the use of consumer fireworks in the county or municipality;

(2) may not be more lenient than a rule adopted by a state agency concerning the use of fireworks; and

(3) may not limit the use of consumer fireworks:

(A) between the hours of 5:00 p.m. and two (2) hours after sunset on June 29, June 30, July 1, July 2, July 3, July 5, July 6, July 7, July 8, and July 9;

(B) between the hours of 10:00 a.m. and 12:00 midnight on July 4; and

(C) between the hours of 10:00 a.m. on December 31 and 1:00 a.m. on January 1.

SECTION 3. An emergency is declared for this act.

(Reference is to ESB 9 as reprinted March 30, 2007.)

Heinold, Chair

Moses

Mrvan

Frizzell

Senate Conferees

House Conferees

Roll Call 502: yeas 36, nays 7. Report adopted.

CONFERENCE COMMITTEE REPORT

ESB 320-1

Madam President: Your Conference Committee appointed to confer with a like committee from the House upon Engrossed House Amendments to Engrossed Senate Bill 320 respectfully reports that said two committees have conferred and agreed as follows to wit: that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 10-13-3-37 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 37. (a) Under Public Law 92-544 (86 Stat. 1115), a local law enforcement agency may use fingerprints submitted for the purpose of identification in a request related to the following:

(1) A taxicab driver's license application.

~~(2) An application for a license for a massage therapist.~~

~~(3) (2) Reinstatement or renewal of a taxicab driver's license. described in subdivisions (1) and (2):~~

(b) An applicant shall submit the fingerprints on forms provided for the license application.

(c) The local law enforcement agency shall charge each applicant the fees set by the department and federal authorities to defray the costs associated with a search for and classification of the applicant's fingerprints.

(d) The local law enforcement agency may:

(1) forward for processing to the Federal Bureau of Investigation or any other agency fingerprints submitted by a license applicant; and

(2) receive the results of all fingerprint investigations.

SECTION 2. IC 25-1-2-2.1, AS AMENDED BY SEA 490-2007,

SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2.1. Rather than being issued annually, the following permits, licenses, certificates of registration, or evidences of authority granted by a state agency must be issued for a period of two (2) years or for the period specified in the article under which the permit, license, certificate of registration, or evidence of authority is issued if the period specified in the article is longer than two (2) years:

(1) Certified public accountants, public accountants, and accounting practitioners.

(2) Architects and landscape architects.

(3) Dry cleaners.

(4) Professional engineers.

(5) Land surveyors.

(6) Real estate brokers.

(7) Real estate agents.

(8) Security dealers' licenses issued by the securities commissioner.

(9) Dental hygienists.

(10) Dentists.

(11) Veterinarians.

(12) Physicians.

(13) Chiropractors.

(14) Physical therapists.

(15) Optometrists.

(16) Pharmacists and assistants, drugstores or pharmacies.

(17) Motels and mobile home community licenses.

(18) Nurses.

(19) Podiatrists.

(20) Occupational therapists and occupational therapy assistants.

(21) Respiratory care practitioners.

(22) Social workers, marriage and family therapists, and mental health counselors.

(23) Real estate appraiser licenses and certificates issued by the real estate appraiser licensure and certification board.

(24) Wholesale legend drug distributors.

(25) Physician assistants.

(26) Dietitians.

(27) Hypnotists.

(28) Athlete agents.

(29) Manufactured home installers.

(30) Home inspectors.

(31) Registered interior designers.

(32) Massage therapists.

SECTION 3. IC 25-1-2-6, AS AMENDED BY SEA 490-2007, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 6. (a) As used in this section, "license" includes all occupational and professional licenses, registrations, permits, and certificates issued under the Indiana Code, and "licensee" includes all occupational and professional licensees, registrants, permittees, and certificate holders regulated under the Indiana Code.

(b) This section applies to the following entities that regulate occupations or professions under the Indiana Code:

(1) Indiana board of accountancy.

(2) Indiana grain buyers and warehouse licensing agency.

(3) Indiana auctioneer commission.

- (4) Board of registration for architects, landscape architects, and registered interior designers.
- (5) State board of barber examiners.
- (6) State board of cosmetology examiners.
- (7) Medical licensing board of Indiana.
- (8) Secretary of state.
- (9) State board of dentistry.
- (10) State board of funeral and cemetery service.
- (11) Worker's compensation board of Indiana.
- (12) Indiana state board of health facility administrators.
- (13) Committee of hearing aid dealer examiners.
- (14) Indiana state board of nursing.
- (15) Indiana optometry board.
- (16) Indiana board of pharmacy.
- (17) Indiana plumbing commission.
- (18) Board of podiatric medicine.
- (19) Private detectives licensing board.
- (20) State board of registration for professional engineers.
- (21) Board of environmental health specialists.
- (22) State psychology board.
- (23) Indiana real estate commission.
- (24) Speech-language pathology and audiology board.
- (25) Department of natural resources.
- (26) State boxing commission.
- (27) Board of chiropractic examiners.
- (28) Mining board.
- (29) Indiana board of veterinary medical examiners.
- (30) State department of health.
- (31) Indiana physical therapy committee.
- (32) Respiratory care committee.
- (33) Occupational therapy committee.
- (34) Social worker, marriage and family therapist, and mental health counselor board.
- (35) Real estate appraiser licensure and certification board.
- (36) State board of registration for land surveyors.
- (37) Physician assistant committee.
- (38) Indiana dietitians certification board.
- (39) Indiana hypnotist committee.
- (40) Attorney general (only for the regulation of athlete agents).
- (41) Manufactured home installer licensing board.
- (42) Home inspectors licensing board.
- (43) State board of massage therapy.**
- ~~(43)~~ **(44)** Any other occupational or professional agency created after June 30, 1981.

(c) Notwithstanding any other law, the entities included in subsection (b) shall send a notice of the upcoming expiration of a license to each licensee at least sixty (60) days prior to the expiration of the license. The notice must inform the licensee of the need to renew and the requirement of payment of the renewal fee. If this notice of expiration is not sent by the entity, the licensee is not subject to a sanction for failure to renew if, once notice is received from the entity, the license is renewed within forty-five (45) days of the receipt of the notice.

SECTION 4. IC 25-1-6-3, AS AMENDED BY SEA 490-2007, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 3. (a) The licensing agency

shall perform all administrative functions, duties, and responsibilities assigned by law or rule to the executive director, secretary, or other statutory administrator of the following:

- (1) Indiana board of accountancy (IC 25-2.1-2-1).
- (2) Board of registration for architects, landscape architects, and registered interior designers (IC 25-4-1-2).
- (3) Indiana auctioneer commission (IC 25-6.1-2-1).
- (4) State board of barber examiners (IC 25-7-5-1).
- (5) State boxing commission (IC 25-9-1).
- (6) State board of cosmetology examiners (IC 25-8-3-1).
- (7) State board of funeral and cemetery service (IC 25-15-9).
- (8) State board of registration for professional engineers (IC 25-31-1-3).
- (9) Indiana plumbing commission (IC 25-28.5-1-3).
- (10) Indiana real estate commission (IC 25-34.1).
- (11) Real estate appraiser licensure and certification board (IC 25-34.1-8-1).
- (12) Private detectives licensing board (IC 25-30-1-5.1).
- (13) State board of registration for land surveyors (IC 25-21.5-2-1).
- (14) Manufactured home installer licensing board (IC 25-23.7).
- (15) Home inspectors licensing board (IC 25-20.2-3-1).

(16) State board of massage therapy (IC 25-21.8-2-1).

(b) Nothing in this chapter may be construed to give the licensing agency policy making authority, which remains with each board.

SECTION 5. IC 25-1-7-1, AS AMENDED BY SEA 490-2007, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1. As used in this chapter:

"Board" means the appropriate agency listed in the definition of regulated occupation in this section.

"Director" refers to the director of the division of consumer protection.

"Division" refers to the division of consumer protection, office of the attorney general.

"Licensee" means a person who is:

- (1) licensed, certified, or registered by a board listed in this section; and
- (2) the subject of a complaint filed with the division.

"Person" means an individual, a partnership, a limited liability company, or a corporation.

"Regulated occupation" means an occupation in which a person is licensed, certified, or registered by one (1) of the following:

- (1) Indiana board of accountancy (IC 25-2.1-2-1).
- (2) Board of registration for architects, landscape architects, and registered interior designers (IC 25-4-1-2).
- (3) Indiana auctioneer commission (IC 25-6.1-2-1).
- (4) State board of barber examiners (IC 25-7-5-1).
- (5) State boxing commission (IC 25-9-1).
- (6) Board of chiropractic examiners (IC 25-10-1).
- (7) State board of cosmetology examiners (IC 25-8-3-1).
- (8) State board of dentistry (IC 25-14-1).
- (9) State board of funeral and cemetery service (IC 25-15-9).
- (10) State board of registration for professional engineers (IC 25-31-1-3).
- (11) Indiana state board of health facility administrators (IC 25-19-1).
- (12) Medical licensing board of Indiana (IC 25-22.5-2).

- (13) Indiana state board of nursing (IC 25-23-1).
- (14) Indiana optometry board (IC 25-24).
- (15) Indiana board of pharmacy (IC 25-26).
- (16) Indiana plumbing commission (IC 25-28.5-1-3).
- (17) Board of podiatric medicine (IC 25-29-2-1).
- (18) Board of environmental health specialists (IC 25-32-1).
- (19) State psychology board (IC 25-33).
- (20) Speech-language pathology and audiology board (IC 25-35.6-2).
- (21) Indiana real estate commission (IC 25-34.1-2).
- (22) Indiana board of veterinary medical examiners (IC 15-5-1.1).
- (23) Department of natural resources for purposes of licensing water well drillers under IC 25-39-3.
- (24) Respiratory care committee (IC 25-34.5).
- (25) Private detectives licensing board (IC 25-30-1-5.1).
- (26) Occupational therapy committee (IC 25-23.5).
- (27) Social worker, marriage and family therapist, and mental health counselor board (IC 25-23.6).
- (28) Real estate appraiser licensure and certification board (IC 25-34.1-8).
- (29) State board of registration for land surveyors (IC 25-21.5-2-1).
- (30) Physician assistant committee (IC 25-27.5).
- (31) Indiana athletic trainers board (IC 25-5.1-2-1).
- (32) Indiana dietitians certification board (IC 25-14.5-2-1).
- (33) Indiana hypnotist committee (IC 25-20.5-1-7).
- (34) Indiana physical therapy committee (IC 25-27).
- (35) Manufactured home installer licensing board (IC 25-23.7).
- (36) Home inspectors licensing board (IC 25-20.2-3-1).
- (37) State board of massage therapy (IC 25-21.8-2-1).**
- ~~(37)~~ **(38)** Any other occupational or professional agency created after June 30, 1981.

SECTION 6. IC 25-1-8-1, AS AMENDED BY SEA 490-2007, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1. As used in this chapter, "board" means any of the following:

- (1) Indiana board of accountancy (IC 25-2.1-2-1).
- (2) Board of registration for architects, landscape architects, and registered interior designers (IC 25-4-1-2).
- (3) Indiana auctioneer commission (IC 25-6.1-2-1).
- (4) State board of barber examiners (IC 25-7-5-1).
- (5) State boxing commission (IC 25-9-1).
- (6) Board of chiropractic examiners (IC 25-10-1).
- (7) State board of cosmetology examiners (IC 25-8-3-1).
- (8) State board of dentistry (IC 25-14-1).
- (9) State board of funeral and cemetery service (IC 25-15).
- (10) State board of registration for professional engineers (IC 25-31-1-3).
- (11) Indiana state board of health facility administrators (IC 25-19-1).
- (12) Medical licensing board of Indiana (IC 25-22.5-2).
- (13) Mining board (IC 22-10-1.5-2).
- (14) Indiana state board of nursing (IC 25-23-1).
- (15) Indiana optometry board (IC 25-24).
- (16) Indiana board of pharmacy (IC 25-26).

- (17) Indiana plumbing commission (IC 25-28.5-1-3).
- (18) Board of environmental health specialists (IC 25-32-1).
- (19) State psychology board (IC 25-33).
- (20) Speech-language pathology and audiology board (IC 25-35.6-2).
- (21) Indiana real estate commission (IC 25-34.1-2-1).
- (22) Indiana board of veterinary medical examiners (IC 15-5-1.1-3).
- (23) Department of insurance (IC 27-1).
- (24) State police department (IC 10-11-2-4), for purposes of certifying polygraph examiners under IC 25-30-2.
- (25) Department of natural resources for purposes of licensing water well drillers under IC 25-39-3.
- (26) Private detectives licensing board (IC 25-30-1-5.1).
- (27) Occupational therapy committee (IC 25-23.5-2-1).
- (28) Social worker, marriage and family therapist, and mental health counselor board (IC 25-23.6-2-1).
- (29) Real estate appraiser licensure and certification board (IC 25-34.1-8).
- (30) State board of registration for land surveyors (IC 25-21.5-2-1).
- (31) Physician assistant committee (IC 25-27.5).
- (32) Indiana athletic trainers board (IC 25-5.1-2-1).
- (33) Board of podiatric medicine (IC 25-29-2-1).
- (34) Indiana dietitians certification board (IC 25-14.5-2-1).
- (35) Indiana physical therapy committee (IC 25-27).
- (36) Manufactured home installer licensing board (IC 25-23.7).
- (37) Home inspectors licensing board (IC 25-20.2-3-1).
- (38) State board of massage therapy (IC 25-21.8-2-1).**
- ~~(38)~~ **(39)** Any other occupational or professional agency created after June 30, 1981.

SECTION 7. IC 25-1-11-1, AS AMENDED BY SEA 490-2007, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1. As used in this chapter, "board" means any of the following:

- (1) Indiana board of accountancy (IC 25-2.1-2-1).
- (2) Board of registration for architects, landscape architects, and registered interior designers (IC 25-4-1-2).
- (3) Indiana auctioneer commission (IC 25-6.1-2).
- (4) State board of barber examiners (IC 25-7-5-1).
- (5) State boxing commission (IC 25-9-1).
- (6) State board of cosmetology examiners (IC 25-8-3-1).
- (7) State board of registration of land surveyors (IC 25-21.5-2-1).
- (8) State board of funeral and cemetery service (IC 25-15-9).
- (9) State board of registration for professional engineers (IC 25-31-1-3).
- (10) Indiana plumbing commission (IC 25-28.5-1-3).
- (11) Indiana real estate commission (IC 25-34.1-2-1).
- (12) Real estate appraiser licensure certification board (IC 25-34.1-8).
- (13) Private detectives licensing board (IC 25-30-1-5.1).
- (14) Manufactured home installer licensing board (IC 25-23.7).
- (15) Home inspectors licensing board (IC 25-20.2-3-1).

(16) State board of massage therapy (IC 25-21.8-2-1).

SECTION 8. IC 25-21.8 IS ADDED TO THE INDIANA CODE

AS A NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]:

ARTICLE 21.8. MESSAGE THERAPISTS

Chapter 1. Definitions

Sec. 1. The definitions in this chapter apply throughout this article.

Sec. 2. "Board" means the state board of massage therapy established by IC 25-21.8-2-1.

Sec. 3. "Licensing agency" means the Indiana professional licensing agency established under IC 25-1-5-3.

Sec. 4. "Massage therapy":

- (1) means the application of massage techniques on the human body;
- (2) includes:
 - (A) the use of touch, pressure, percussion, kneading, movement, positioning, nonspecific stretching, stretching within the normal anatomical range of movement, and holding, with or without the use of massage devices that mimic or enhance manual measures; and
 - (B) the external application of heat, cold, water, ice, stones, lubricants, abrasives, and topical preparations that are not classified as prescription drugs; and
- (3) does not include:
 - (A) spinal manipulation; and
 - (B) diagnosis or prescribing drugs for which a license is required.

Sec. 5. "Massage therapist" means an individual who practices massage therapy.

Chapter 2. State Board of Massage Therapy

Sec. 1. The state board of massage therapy is established.

Sec. 2. (a) The board consists of five (5) members appointed by the governor as follows:

- (1) Three (3) massage therapists, each of whom:
 - (A) is certified under this article; and
 - (B) has been actively practicing massage therapy for at least three (3) of the five (5) years immediately preceding the individual's appointment.
- (2) Two (2) members of the general public. A board member appointed under this subdivision must not:
 - (A) be certified under this article;
 - (B) be the spouse of an individual who is certified or intends to be certified under this article; or
 - (C) have a direct or an indirect financial interest in the profession regulated under this article.

(b) A massage therapist member of the board is not required to be a member of a professional massage therapy association. However:

- (1) not more than one (1) massage therapist member appointed to the board may belong to the same professional massage therapy association; and
- (2) one (1) massage therapist member must not be a member of a professional massage therapy association.

Sec. 3. Each member of the board shall serve a term of three (3) years and until the member's successor is appointed and qualified.

Sec. 4. (a) A vacancy in the membership of the board shall be filled by an individual appointed by the governor for the

unexpired term.

(b) A member may not serve more than two (2) consecutive terms in addition to any unexpired term to which the individual was appointed. A member may serve until a successor has been appointed and qualified under this chapter.

(c) A member of the board may be removed for cause by the governor.

Sec. 5. (a) Each year the board shall elect from its members the following officers:

- (1) A chairperson.
- (2) A vice chairperson.

(b) A member serving as chairperson or vice chairperson shall serve until the member's successor as chairperson or vice chairperson is elected.

Sec. 6. The board shall meet at least one (1) time each calendar year upon the call of the chairperson or the written request of a majority of the members of the board and with the advice and consent of the executive director of the professional licensing agency.

Sec. 7. (a) Three (3) members of the board constitute a quorum.

(b) An affirmative vote of three (3) members of the board is necessary for the board to take official action.

Sec. 8. A member of the board is not entitled to a per diem allowance or any other compensation for the performance of the member's duties.

Sec. 9. The board shall adopt rules under IC 4-22-2 regarding standards for the competent practice of massage therapy.

Chapter 3. Powers and Duties of the Board

Sec. 1. (a) The board shall do the following:

- (1) Administer and enforce this article.
- (2) Adopt rules under IC 4-22-2 for the administration and enforcement of this article.
- (3) Judge the qualifications of applicants for certification under this article.
- (4) Issue, deny, or renew certifications under this article.
- (5) Subject to IC 4-21.5, IC 25-1-7, and IC 25-1-11, discipline individuals who are certified under this article for violations of this article.
- (6) Establish reasonable fees for examination, certification applications, renewal of certifications, and other services.
- (7) Maintain a record of all proceedings.
- (8) Maintain records of certified massage therapists.
- (9) Adopt at least two (2) examinations that an applicant may use for certification under this article.

(b) The board may do the following:

- (1) Conduct administrative hearings.
- (2) Administer oaths in matters relating to the discharge of the official duties of the board.

Sec. 2. The licensing agency shall do the following:

- (1) Carry out the administrative functions of the board.
- (2) Provide necessary personnel to carry out the duties of this article.
- (3) Receive and account for all fees required under this article.
- (4) Deposit fees collected with the treasurer of state for deposit in the state general fund.

Chapter 4. Issuance of Certification

Sec. 1. An application for a massage therapist certification must be:

- (1) made to the board in the form and manner provided by the board; and
- (2) accompanied by an application fee in the amount set by the board.

Sec. 2. An individual who applies for certification as a massage therapist must do the following:

- (1) Furnish evidence satisfactory to the board showing that the individual:

- (A) is at least eighteen (18) years of age;
- (B) has a high school diploma or the equivalent of a high school diploma;
- (C) has successfully completed a massage therapy school or program that:
 - (i) requires at least five hundred (500) hours of supervised classroom and hands on instruction on massage therapy;
 - (ii) is in good standing with a state, regional, or national agency of government charged with regulating massage therapy schools or programs; and
 - (iii) is accredited by the Indiana commission on proprietary education established by IC 20-12-76-11 or accredited by another state where the standards for massage therapy education are substantially the same as the standards in Indiana, or is a program at an institution of higher learning that is approved by the board; and

- (D) has taken and passed a certification examination approved by the board.

- (2) Provide a history of any criminal convictions the individual has, including any convictions related to the practice of the profession. The board shall deny an application for certification if the applicant:

- (A) has been convicted of:
 - (i) prostitution;
 - (ii) rape; or
 - (iii) sexual misconduct; or
- (B) is a registered sex offender.

- (3) Verify the information submitted on the application form.

- (4) Pay fees established by the board.

Sec. 3. An individual who is not certified under this article may not:

- (1) profess to be a certified massage therapist; or
- (2) use:
 - (A) the title "Certified Massage Therapist" or "Massage Therapist"; or
 - (B) the abbreviation "CMT" or "MT" to imply the person is a certified massage therapist.

Chapter 5. Certification by Endorsement

Sec. 1. (a) The board may grant certification by endorsement to an individual who:

- (1) is licensed, certified, or registered in another state having credentialing standards that are at least as strict as the credentialing standards specified under this article;

- (2) is in good standing with the standards of the other state or country;

- (3) pays an application fee established by the board; and
- (4) provides a history of the individual's criminal convictions, if any, including any criminal convictions relating to the practice of the profession.

(b) The board shall deny an application for certification if the applicant:

- (1) has been convicted of:
 - (A) prostitution;
 - (B) rape; or
 - (C) sexual misconduct; or
- (2) is a registered sex offender.

(c) An applicant for a certification by endorsement shall cause each state that previously credentialed the applicant to provide the board with the applicant's current status in the state.

Chapter 6. Certification Renewal

Sec. 1. A certification issued by the board is valid for four (4) years. A certification expires at midnight on the date established by the licensing agency under IC 25-1-6-4 and every four (4) years thereafter, unless renewed before that date.

Sec. 2. An individual who applies to renew certification as a massage therapist must:

- (1) apply for renewal in the manner required by the board; and
- (2) pay a renewal fee established by the board.

Sec. 3. If a renewal application is not submitted within the time under section 1 of this chapter, the board shall charge the applicant a reinstatement fee in an amount established under IC 25-1-8-6.

Chapter 7. Discipline and Violations

Sec. 1. (a) This section does not apply to the violation of a rule adopted by the board.

(b) A person who knowingly violates or causes a violation of this article commits a Class C misdemeanor.

Sec. 2. The board shall follow the disciplinary procedures established under IC 25-1-7 and IC 25-1-11.

Sec. 3. If an individual certified under this article is convicted of a crime, the individual is responsible for notifying the board not later than thirty (30) days after the conviction.

SECTION 9. [EFFECTIVE JULY 1, 2007] (a) As used in this SECTION, "board" refers to the state board of massage therapy established by IC 25-21.8-2-1, as added by this act.

(b) The governor shall make initial appointments to the board not later than January 1, 2008. The initial members of the board shall serve for the following terms:

- (1) One (1) member appointed under IC 25-21.8-2-2(1), as added by this act, serves for one (1) year.
- (2) One (1) member appointed under IC 25-21.8-2-2(1), as added by this act, and one (1) member appointed under IC 25-21.8-2-2(2), as added by this act, serve for two (2) years.
- (3) One (1) member appointed under IC 25-21.8-2-2(1), as added by this act, and one (1) member appointed under IC 25-21.8-2-2(2), as added by this act, serve for three (3) years.

(c) An individual who does not meet the requirements of IC 25-21.8-2-2(1), as added by this act, may be appointed to the board if the individual:

- (1) substantially meets the requirements of licensure under IC 25-21.8, as added by this act;
- (2) currently practices massage therapy in Indiana; and
- (3) has practiced massage therapy in Indiana after June 1, 2004, for at least three (3) consecutive years.

(d) The three (3) members appointed under IC 25-21.8-2-2(1), as added by this act, are not required to be members of a professional massage therapy association. However:

- (1) not more than one (1) massage therapist member appointed to the board may belong to the same professional massage therapy association; and
- (2) one (1) massage therapist member must not be a member of a professional massage therapy association.

(e) This SECTION expires July 1, 2011.

SECTION 10. [EFFECTIVE JULY 1, 2007] (a) Notwithstanding IC 25-21.8-2-2, as added by this act, the state board of massage therapy established by IC 25-21.8-2-1, as added by this act, may issue a certification before July 1, 2009, to an applicant who practiced massage therapy in Indiana after June 30, 2001, and before July 1, 2009, if the applicant meets the condition set forth in one (1) of the following subdivisions:

(1) Either:

- (A) provides the board with Internal Revenue Service income tax return forms from two (2) consecutive years that reflect that the applicant has been employed in the practice of massage therapy;
- (B) provides the board with business records from two (2) consecutive years that reflect that the applicant has been employed in the practice of massage therapy; or
- (C) has completed at least five hundred (500) hours of supervised classroom and hands on instruction.

(2) Provides a copy of a diploma, a transcript, a certificate, or another proof of completion of:

(A) a massage therapy school accredited by:

- (i) the Indiana commission on proprietary education established by IC 20-12-76-11; or
- (ii) another state where the standards for massage therapy education are substantially equivalent to the standards in Indiana; or

(B) a program at an institution of higher learning that is approved by the board.

(b) An applicant who begins practicing massage therapy in Indiana after January 1, 2009, must meet the certification requirements set forth in IC 25-21.8, as added by this act, to be certified under IC 25-21.8, as added by this act.

(c) Notwithstanding IC 25-21.8-4-2 and IC 25-21.8-5, both as added by this act, the state board of massage therapy may issue a certification to an applicant who:

(1) before July 1, 2007, enrolled in a massage therapy school or program that:

- (A) required at least five hundred (500) hours of supervised classroom and hands on instruction; and
- (B) was in good standing with a state, regional, or national agency of government charged with regulating

massage therapy or programs; and

(2) before January 1, 2008, completes the requirements of the massage therapy school or program described in subdivision (1).

(d) This SECTION expires July 1, 2010.

SECTION 11. [EFFECTIVE JULY 1, 2007] (a) Before December 31, 2008, the state board of massage therapy established by IC 25-21.8-2-1, as added by this act, shall adopt at least two (2) certification examinations as required under IC 25-21.8-3-1(a)(9), as added by this act, that an individual may use as the basis for complying with IC 25-21.8-4-2(1)(D), as added by this act.

(b) This SECTION expires December 31, 2009.

(Reference is to ESB 320 as reprinted (printer's error) April 3, 2007.)

Miller, Chair

Klinker

Errington

Frizzell

Senate Conferees

House Conferees

Roll Call 503: yeas 36, nays 7. Report adopted.

CONFERENCE COMMITTEE REPORT

ESB 330-2

Madam President: Your Conference Committee appointed to confer with a like committee from the House upon Engrossed House Amendments to Engrossed Senate Bill 330 respectfully reports that said two committees have conferred and agreed as follows to wit: that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 20-26-11-8, AS AMENDED BY SEA 94-2007, SECTION 170, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 8. (a) A student who is placed in a state licensed private or public health care facility or child care facility: ~~or foster family home:~~

- (1) by or with the consent of the department of child services;
- (2) by a court order; or
- (3) by a child placing agency licensed by the department of child services;

may attend school in the school corporation in which the ~~home or~~ facility is located. If the school corporation in which the ~~home or~~ facility is located is not the school corporation in which the student has legal settlement, the school corporation in which the student has legal settlement shall pay the transfer tuition of the student.

(b) A student who is placed in a state licensed private or public health care or child care facility by a parent may attend school in the school corporation in which the facility is located if:

- (1) the placement is necessary for the student's physical or emotional health and well-being and, if the placement is in a health care facility, is recommended by a physician; and
- (2) the placement is projected to be for not less than fourteen (14) consecutive calendar days or a total of twenty (20) calendar days.

The school corporation in which the student has legal settlement shall pay the transfer tuition of the student. The parent of the student

shall notify the school corporation in which the facility is located and the school corporation of the student's legal settlement, if identifiable, of the placement. Not later than thirty (30) days after this notice, the school corporation of legal settlement shall either pay the transfer tuition of the transferred student or appeal the payment by notice to the department. The acceptance or notice of appeal by the school corporation must be given by certified mail to the parent or guardian of the student and any affected school corporation. In the case of a student who is not identified as having a disability under IC 20-35, the state board shall make a determination on transfer tuition according to the procedures in section 15 of this chapter. In the case of a student who has been identified as having a disability under IC 20-35, the determination on transfer tuition shall be made under this subsection and the procedures adopted by the state board under IC 20-35-2-1(b)(5).

(c) A student who is placed in:

- (1) an institution operated by the division of disability and rehabilitative services or the division of mental health and addiction; or
- (2) an institution, a public or private facility, a home, a group home, or an alternative family setting by the division of disability and rehabilitative services or the division of mental health and addiction;

may attend school in the school corporation in which the institution is located. The state shall pay the transfer tuition of the student, unless another entity is required to pay the transfer tuition as a result of a placement described in subsection (a) or (b) or another state is obligated to pay the transfer tuition.

(d) This subsection applies to a student who is placed:

- (1) by or with the consent of the department of child services;**
- (2) by a court order; or**
- (3) by a child placing agency licensed by the department of child services;**

in a foster family home or the home of a relative or other unlicensed caretaker that is not located in the school corporation in which the student has legal settlement. The student may attend school in either the school corporation in which the foster family home or other home is located or the school corporation in which the student has legal settlement. The department of child services and the student's foster parents or caretaker shall make the determination concerning where the student attends school unless that determination is made by a court that has jurisdiction over the student. If a licensed child placing agency is responsible for oversight of the foster family home in which the student is placed or for providing services to the student, the department of child services must consult with the licensed child placing agency concerning the determination of, or the recommendations made to the court concerning, where the student attends school. Except as provided in subsection (e), transfer tuition is not required for the student.

(e) If a student to whom subsection (d) applies is attending school in a school corporation that is not the school corporation in which the student has legal settlement, the school corporation in which the student has legal settlement shall pay transfer tuition to the school corporation in which the student is enrolled in school if all of the following conditions apply:

(1) The student was previously placed in a child caring institution licensed under IC 31-27-3.

(2) While placed in the child caring institution, the student was enrolled in a school that is:

(A) administered by the school corporation in which the child caring institution is located; and

(B) located at the child caring institution.

(3) The student was moved from the child caring institution to a licensed foster family home supervised by the child caring institution either:

(A) with the approval of the department of child services and the court having jurisdiction over the student in a case under IC 31-34; or

(B) by a court order in a case under IC 31-37.

(4) After moving from the child caring institution to the foster family home, the student continues to attend the school located at the child caring institution.

(5) The legal settlement of the student was determined by a juvenile court under IC 31-34-20-5, IC 31-34-21-10, IC 31-37-19-26, or IC 31-37-20-6.

~~(d)~~ **(f) A student:**

(1) who is placed in a facility, home, or institution described in subsection (a), (b), or (c); and

(2) to whom neither subsection (d) nor (e) applies; and

~~(2)~~ **(3) for whom there is no other entity or person required to pay transfer tuition;**

may attend school in the school corporation in which the facility, home, or institution is located. The department shall conduct an investigation and determine whether any other entity or person is required to pay transfer tuition. If the department determines that no other entity or person is required to pay transfer tuition, the state shall pay the transfer tuition for the student out of the funds appropriated for tuition support.

SECTION 2. IC 20-26-11-11, AS AMENDED BY SEA 94-2007, SECTION 171, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 11. (a) A school corporation may enter into an agreement with:

(1) a nonprofit corporation that operates a federally approved education program; or

(2) a nonprofit corporation that:

(A) is exempt from federal income taxation under Section 501(c)(3) of the Internal Revenue Code;

(B) for its classroom instruction, employs teachers who are certified by the department;

(C) employs other professionally and state licensed staff as appropriate; and

(D) educates children who:

(i) have been suspended, expelled, or excluded from a public school in that school corporation and have been found to have an emotional disturbance;

(ii) have been placed with the nonprofit corporation by court order;

(iii) have been referred by a local health department; ~~or~~

(iv) have been placed in a state licensed private or public health care or child care facility as described in ~~section 8(b)~~ section 8 of this chapter; or

(v) have been placed by or with the consent of the department under IC 20-35-6-2;

in order to provide a student with an individualized education program that is the most suitable educational program available.

(b) If a school corporation that is a transferee corporation enters into an agreement as described in subsection (a), the school corporation shall pay to the nonprofit corporation an amount agreed upon from the transfer tuition of the student. The amount agreed upon that may not exceed the total of:

(1) the transfer tuition costs for the student that otherwise would be payable to the transferee corporation; and

(2) a proportionate amount of any state or local distributions to the transferee corporation that are computed in any part using ADM or any other student count in which the student is included, if the transferee corporation includes the student in the transferee corporation's ADM for a school year.

(c) If a school corporation that is a transferor corporation enters into an agreement as described in subsection (a), the school corporation shall pay to the nonprofit corporation an amount agreed upon, which may not exceed the total of:

(1) the transfer tuition costs that otherwise would be payable to a transferee school corporation; and

(2) a proportionate amount of any state or local distributions to the transferor corporation that are computed in any part using ADM or any other student count in which the student is included, if the transferor corporation includes the student in the transferor corporation's ADM for a school year.

SECTION 3. IC 20-27-12-0.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 0.5. (a) As used in this chapter, "homeless student" includes a student who is awaiting placement in foster care.

(b) The term does not include a student who is in foster care.

SECTION 4. IC 20-43-4-1, AS ADDED BY P.L.2-2006, SECTION 166, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1. (a) An individual is an eligible pupil if the individual is a pupil enrolled in a school corporation and:

(1) the school corporation has the responsibility to educate the pupil in its public schools without the payment of tuition;

(2) subject to subdivision (5), the school corporation has the responsibility to pay transfer tuition under IC 20-26-11 because the pupil is transferred for education to another school corporation;

(3) the pupil is enrolled in a school corporation as a transfer student under IC 20-26-11-6 or entitled to be counted for ADM purposes as a resident of the school corporation when attending its schools under any other applicable law or regulation;

(4) the state is responsible for the payment of transfer tuition to the school corporation for the pupil under IC 20-26-11; or

(5) all of the following apply:

(A) The school corporation is a transferee corporation.

(B) The pupil does not qualify as a qualified pupil in the transferee corporation under subdivision (3) or (4).

(C) The transferee corporation's attendance area includes a state licensed private or public health care facility or child care facility or foster family home where the pupil

was placed:

(i) by or with the consent of the department of child services;

(ii) by a court order;

(iii) by a child placing agency licensed by the division of family resources; or department of child services;

(iv) by a parent or guardian under IC 20-26-11-8; or

(v) by or with the consent of the department under IC 20-35-6-2.

(b) For purposes of a vocational education grant, an eligible pupil includes a student enrolled in a charter school.

SECTION 5. IC 31-34-20-5, AS AMENDED BY P.L.13-2006, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 5. (a) This section applies if a juvenile court:

(1) places a child;

(2) changes the placement of a child; or

(3) reviews the implementation of a decree under IC 31-34-21 of a child placed;

in a state licensed private or public health care facility, child care facility, or foster family home, or the home of a relative or other unlicensed caretaker.

(b) The juvenile court shall do the following:

(1) Make findings of fact concerning the legal settlement of the child.

(2) Apply IC 20-26-11-2(1) through IC 20-26-11-2(8) to determine where the child has legal settlement.

(3) Include the findings of fact required by this section in:

(A) the dispositional order;

(B) the modification order; or

(C) the other decree;

making or changing the placement of the child.

(c) The juvenile court may determine that the legal settlement of the child is in the school corporation in which the child will attend school under IC 20-26-11-8(d).

(d) The juvenile court shall comply with the reporting requirements under IC 20-26-11-9 concerning the legal settlement of the child.

(e) The juvenile court may place a child in a public school, regardless of whether the public school has a waiting list for admissions, if the court determines that the school's program meets the child's educational needs and the school agrees to the placement. A placement under this subsection does not affect the legal settlement of the child.

SECTION 6. IC 31-37-19-26, AS AMENDED BY P.L.13-2006, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 26. (a) This section applies if a juvenile court:

(1) places a child;

(2) changes the placement of a child; or

(3) reviews the implementation of a decree under IC 31-37-20 (or IC 31-6-4-19 before its repeal) of a child placed;

in a state licensed private or public health care facility, child care facility, or foster family home, or the home of a relative or other unlicensed caretaker.

(b) The juvenile court shall do the following:

(1) Make findings of fact concerning the legal settlement of the child.

(2) Apply IC 20-26-11-2(1) through IC 20-26-11-2(8) to determine where the child has legal settlement.

(3) Include the findings of fact required by this section in the:

- (A) dispositional order;
- (B) modification order; or
- (C) other decree;

making or changing the placement of the child.

(c) The juvenile court may determine that the legal settlement of the child is in the school corporation in which the child will attend school under IC 20-26-11-8(d).

(d) The juvenile court shall comply with the reporting requirements under IC 20-26-11-9 concerning the legal settlement of the child.

(e) The juvenile court may place a child in a public school, regardless of whether the public school has a waiting list for admissions, if the court determines that the school's program meets the child's educational needs and the school agrees to the placement. A placement under this subsection does not affect the legal settlement of the child.

(Reference is to ESB 330 as reprinted April 4, 2007.)

Lawson, Chair	Summers
Rogers	Noe
Senate Conferees	House Conferees

Roll Call 504: yeas 44, nays 0. Report adopted.

CONFERENCE COMMITTEE REPORT

ESB 416-1

Madam President: Your Conference Committee appointed to confer with a like committee from the House upon Engrossed House Amendments to Engrossed Senate Bill 416 respectfully reports that said two committees have conferred and agreed as follows to wit: that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 6-1.1-12-2, AS AMENDED BY P.L.154-2006, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) Except as provided in section 17.8 of this chapter, a person who desires to claim the deduction provided by section 1 of this chapter must file a statement in duplicate, on forms prescribed by the department of local government finance, with the auditor of the county in which the real property, mobile home not assessed as real property, or manufactured home not assessed as real property is located. With respect to real property, the statement must be filed during the twelve (12) months before June 11 of each year for which the person wishes to obtain the deduction. With respect to a mobile home that is not assessed as real property or a manufactured home that is not assessed as real property, the statement must be filed during the twelve (12) months before March 31 of each year for which the individual wishes to obtain the deduction. The statement may be filed in person or by mail. If mailed, the mailing must be postmarked on or before the last day for filing. In addition to the statement required by this subsection, a contract buyer who desires

to claim the deduction must submit a copy of the recorded contract or recorded memorandum of the contract, which must contain a legal description sufficient to meet the requirements of IC 6-1.1-5, with the first statement that the buyer files under this section with respect to a particular parcel of real property. Upon receipt of the statement and the recorded contract or recorded memorandum of the contract, the county auditor shall assign a separate description and identification number to the parcel of real property being sold under the contract.

(b) The statement referred to in subsection (a) must be verified under penalties for perjury, and the statement must contain the following information:

- (1) The balance of the person's mortgage or contract indebtedness on the assessment date of the year for which the deduction is claimed.
- (2) The assessed value of the real property, mobile home, or manufactured home.
- (3) The full name and complete residence address of the person and of the mortgagee or contract seller.
- (4) The name and residence of any assignee or bona fide owner or holder of the mortgage or contract, if known, and if not known, the person shall state that fact.
- (5) The record number and page where the mortgage, contract, or memorandum of the contract is recorded.
- (6) A brief description of the real property, mobile home, or manufactured home which is encumbered by the mortgage or sold under the contract.
- (7) If the person is not the sole legal or equitable owner of the real property, mobile home, or manufactured home, the exact share of the person's interest in it.
- (8) The name of any other county in which the person has applied for a deduction under this section and the amount of deduction claimed in that application.

(c) The authority for signing a deduction application filed under this section may not be delegated by the real property, mobile home, or manufactured home owner or contract buyer to any person except upon an executed power of attorney. The power of attorney may be contained in the recorded mortgage, contract, or memorandum of the contract, or in a separate instrument.

SECTION 2. IC 6-1.1-12-10.1, AS AMENDED BY P.L.154-2006, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007 (RETROACTIVE)]: Sec. 10.1. (a) Except as provided in section 17.8 of this chapter, an individual who desires to claim the deduction provided by section 9 of this chapter must file a sworn statement, on forms prescribed by the department of local government finance, with the auditor of the county in which the real property, mobile home, or manufactured home is located. With respect to real property, the statement must be filed during the twelve (12) months before June 11 of each year for which the individual wishes to obtain the deduction. With respect to a mobile home that is not assessed as real property or a manufactured home that is not assessed as real property, the statement must be filed ~~between January 15 and~~ **during the twelve (12) months before March 31, inclusive 31** of each year for which the individual wishes to obtain the deduction. The statement may be filed in person or by mail. If mailed, the mailing must be postmarked on or before the last day for filing.

(b) The statement referred to in subsection (a) shall be in affidavit form or require verification under penalties of perjury. The statement must be filed in duplicate if the applicant owns, or is buying under a contract, real property, a mobile home, or a manufactured home subject to assessment in more than one (1) county or in more than one (1) taxing district in the same county. The statement shall contain:

- (1) the source and exact amount of gross income received by the individual and the individual's spouse during the preceding calendar year;
- (2) the description and assessed value of the real property, mobile home, or manufactured home;
- (3) the individual's full name and complete residence address;
- (4) the record number and page where the contract or memorandum of the contract is recorded if the individual is buying the real property, mobile home, or manufactured home on contract; and
- (5) any additional information which the department of local government finance may require.

(c) In order to substantiate the deduction statement, the applicant shall submit for inspection by the county auditor a copy of the applicant's and a copy of the applicant's spouse's income tax returns for the preceding calendar year. If either was not required to file an income tax return, the applicant shall subscribe to that fact in the deduction statement.

SECTION 3. IC 6-1.1-12-12, AS AMENDED BY P.L.141-2006, SECTION 9, AS AMENDED BY P.L.145-2006, SECTION 16, AND AS AMENDED BY P.L.154-2006, SECTION 14, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12. (a) Except as provided in section 17.8 of this chapter, a person who desires to claim the deduction provided in section 11 of this chapter must file an application, on forms prescribed by the department of local government finance, with the auditor of the county in which the real property, mobile home not assessed as real property, or manufactured home not assessed as real property is located. With respect to real property, the application must be filed during the twelve (12) months before ~~May~~ June 11 of each year for which the individual wishes to obtain the deduction. With respect to a mobile home that is not assessed as real property or a manufactured home that is not assessed as real property, the application must be filed during the twelve (12) months before March ~~2~~ 31 of each year for which the individual wishes to obtain the deduction. The application may be filed in person or by mail. If mailed, the mailing must be postmarked on or before the last day for filing.

(b) Proof of blindness may be supported by:

- (1) the records of a county office of family and children, the division of family ~~and children~~, resources, or the division of disability ~~aging~~, and rehabilitative services; or
- (2) the written statement of a physician who is licensed by this state and skilled in the diseases of the eye or of a licensed optometrist.

(c) The application required by this section must contain the record number and page where the contract or memorandum of the contract is recorded if the individual is buying the real property, mobile home, or manufactured home on a contract that provides that ~~he~~ the individual is to pay property taxes on the real property,

mobile home, or manufactured home.

SECTION 4. IC 6-1.1-12-15, AS AMENDED BY P.L.154-2006, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 15. (a) Except as provided in section 17.8 of this chapter, an individual who desires to claim the deduction provided by section 13 or section 14 of this chapter must file a statement with the auditor of the county in which the individual resides. With respect to real property, the statement must be filed during the twelve (12) months before June 11 of each year for which the individual wishes to obtain the deduction. With respect to a mobile home that is not assessed as real property or a manufactured home that is not assessed as real property, the statement must be filed during the twelve (12) months before March ~~2~~ 31 of each year for which the individual wishes to obtain the deduction. The statement may be filed in person or by mail. If mailed, the mailing must be postmarked on or before the last day for filing. The statement shall contain a sworn declaration that the individual is entitled to the deduction.

(b) In addition to the statement, the individual shall submit to the county auditor for the auditor's inspection:

- (1) a pension certificate, an award of compensation, or a disability compensation check issued by the United States Department of Veterans Affairs if the individual claims the deduction provided by section 13 of this chapter;
- (2) a pension certificate or an award of compensation issued by the United States Department of Veterans Affairs if the individual claims the deduction provided by section 14 of this chapter; or
- (3) the appropriate certificate of eligibility issued to the individual by the Indiana department of veterans' affairs if the individual claims the deduction provided by section 13 or 14 of this chapter.

(c) If the individual claiming the deduction is under guardianship, the guardian shall file the statement required by this section.

(d) If the individual claiming a deduction under section 13 or 14 of this chapter is buying real property, a mobile home not assessed as real property, or a manufactured home not assessed as real property under a contract that provides that the individual is to pay property taxes for the real estate, mobile home, or manufactured home, the statement required by this section must contain the record number and page where the contract or memorandum of the contract is recorded.

SECTION 5. IC 6-1.1-12-17, AS AMENDED BY P.L.154-2006, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 17. Except as provided in section 17.8 of this chapter, a surviving spouse who desires to claim the deduction provided by section 16 of this chapter must file a statement with the auditor of the county in which the surviving spouse resides. With respect to real property, the statement must be filed during the twelve (12) months before June 11 of each year for which the surviving spouse wishes to obtain the deduction. With respect to a mobile home that is not assessed as real property or a manufactured home that is not assessed as real property, the statement must be filed during the twelve (12) months before March ~~2~~ 31 of each year for which the individual wishes to obtain the deduction. The statement may be filed in person or by mail. If

mailed, the mailing must be postmarked on or before the last day for filing. The statement shall contain:

- (1) a sworn statement that the surviving spouse is entitled to the deduction; and
- (2) the record number and page where the contract or memorandum of the contract is recorded, if the individual is buying the real property on a contract that provides that the individual is to pay property taxes on the real property.

In addition to the statement, the surviving spouse shall submit to the county auditor for the auditor's inspection a letter or certificate from the United States Department of Veterans Affairs establishing the service of the deceased spouse in the military or naval forces of the United States before November 12, 1918.

SECTION 6. IC 6-1.1-12-17.5, AS AMENDED BY P.L.154-2006, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 17.5. (a) Except as provided in section 17.8 of this chapter, a veteran who desires to claim the deduction provided in section 17.4 of this chapter must file a sworn statement, on forms prescribed by the department of local government finance, with the auditor of the county in which the real property, mobile home, or manufactured home is assessed. With respect to real property, the veteran must file the statement during the twelve (12) months before June 11 of each year for which the veteran wishes to obtain the deduction. With respect to a mobile home that is not assessed as real property or a manufactured home that is not assessed as real property, the statement must be filed during the twelve (12) months before March ~~±~~ **31** of each year for which the individual wishes to obtain the deduction. The statement may be filed in person or by mail. If mailed, the mailing must be postmarked on or before the last day for filing.

(b) The statement required under this section shall be in affidavit form or require verification under penalties of perjury. The statement shall be filed in duplicate if the veteran has, or is buying under a contract, real property in more than one (1) county or in more than one (1) taxing district in the same county. The statement shall contain:

- (1) a description and the assessed value of the real property, mobile home, or manufactured home;
- (2) the veteran's full name and complete residence address;
- (3) the record number and page where the contract or memorandum of the contract is recorded, if the individual is buying the real property, mobile home, or manufactured home on a contract that provides that the individual is to pay property taxes on the real property, mobile home, or manufactured home; and
- (4) any additional information which the department of local government finance may require.

SECTION 7. IC 6-1.1-12-27.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007 (RETROACTIVE)]: Sec. 27.1. Except as provided in section 36 of this chapter, a person who desires to claim the deduction provided by section 26 of this chapter must file a certified statement in duplicate, on forms prescribed by the department of local government finance, with the auditor of the county in which the real property or mobile home is subject to assessment. With respect to real property, the person must file the statement during the twelve (12) months before ~~May~~ **June**

11 of each year for which the person desires to obtain the deduction. With respect to a mobile home which is not assessed as real property, the person must file the statement ~~between January 15 and during the twelve (12) months before March 31, inclusive, 31~~ of each year for which the person desires to obtain the deduction. The statement may be filed in person or by mail. If mailed, the mailing must be postmarked on or before the last day for filing. On verification of the statement by the assessor of the township in which the real property or mobile home is subject to assessment, the county auditor shall allow the deduction.

SECTION 8. IC 6-1.1-12-30, AS AMENDED BY P.L.154-2006, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007 (RETROACTIVE)]: Sec. 30. Except as provided in section 36 of this chapter, a person who desires to claim the deduction provided by section 29 of this chapter must file a certified statement in duplicate, on forms prescribed by the department of local government finance, with the auditor of the county in which the real property or mobile home is subject to assessment. With respect to real property, the person must file the statement ~~between March 1 and during the twelve (12) months before June 11 inclusive, 31~~ of each year for which the person desires to obtain the deduction. With respect to a mobile home which is not assessed as real property, the person must file the statement ~~between January 15 and during the twelve (12) months before March 31, inclusive, 31~~ of each year for which the person desires to obtain the deduction. On verification of the statement by the assessor of the township in which the real property or mobile home is subject to assessment, the county auditor shall allow the deduction.

SECTION 9. IC 6-1.1-12-35.5, AS AMENDED BY SEA 526-2007, SECTION 114, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 35.5. (a) Except as provided in section 36 of this chapter, a person who desires to claim the deduction provided by section 31, 33, 34, or 34.5 of this chapter must file a certified statement in duplicate, on forms prescribed by the department of local government finance, and proof of certification under subsection (b) or (f) with the auditor of the county in which the property for which the deduction is claimed is subject to assessment. Except as provided in subsection (e), with respect to property that is not assessed under IC 6-1.1-7, the person must file the statement ~~between March 1 and during the twelve (12) months before June 11 inclusive, 31~~ of the assessment year. The person must file the statement in each year for which the person desires to obtain the deduction. With respect to a property which is assessed under IC 6-1.1-7, the person must file the statement ~~between January 15 and during the twelve (12) months before March 31, inclusive, 31~~ of each year for which the person desires to obtain the deduction. The statement may be filed in person or by mail. If mailed, the mailing must be postmarked on or before the last day for filing. On verification of the statement by the assessor of the township in which the property for which the deduction is claimed is subject to assessment, the county auditor shall allow the deduction.

(b) This subsection does not apply to an application for a deduction under section 34.5 of this chapter. The department of environmental management, upon application by a property owner, shall determine whether a system or device qualifies for a deduction provided by section 31, 33, or 34 of this chapter. If the department

determines that a system or device qualifies for a deduction, it shall certify the system or device and provide proof of the certification to the property owner. The department shall prescribe the form and manner of the certification process required by this subsection.

(c) This subsection does not apply to an application for a deduction under section 34.5 of this chapter. If the department of environmental management receives an application for certification before May 11 of the assessment year, the department shall determine whether the system or device qualifies for a deduction before June 11 of the assessment year. If the department fails to make a determination under this subsection before June 11 of the assessment year, the system or device is considered certified.

(d) A denial of a deduction claimed under section 31, 33, 34, or 34.5 of this chapter may be appealed as provided in IC 6-1.1-15. The appeal is limited to a review of a determination made by the township assessor, county property tax assessment board of appeals, or department of local government finance.

(e) A person who timely files a personal property return under IC 6-1.1-3-7(a) for an assessment year and who desires to claim the deduction provided in section 31 of this chapter for property that is not assessed under IC 6-1.1-7 must file the statement described in subsection (a) ~~between March 1 and~~ **during the twelve (12) months before June 11 inclusive**, of that year. A person who obtains a filing extension under IC 6-1.1-3-7(b) for an assessment year must file the application between March 1 and the extended due date for that year.

(f) This subsection applies only to an application for a deduction under section 34.5 of this chapter. The center for coal technology research established by IC 21-47-4-1, upon receiving an application from the owner of a building, shall determine whether the building qualifies for a deduction under section 34.5 of this chapter. If the center determines that a building qualifies for a deduction, the center shall certify the building and provide proof of the certification to the owner of the building. The center shall prescribe the form and procedure for certification of buildings under this subsection. If the center receives an application for certification of a building under section 34.5 of this chapter before May 11 of an assessment year:

- (1) the center shall determine whether the building qualifies for a deduction before June 11 of the assessment year; and
- (2) if the center fails to make a determination before June 11 of the assessment year, the building is considered certified.

SECTION 10. IC 6-1.1-20.9-3, AS AMENDED BY P.L.154-2006, SECTION 50, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) An individual who desires to claim the credit provided by section 2 of this chapter must file a certified statement in duplicate, on forms prescribed by the department of local government finance, with the auditor of the county in which the homestead is located. The statement shall include the parcel number or key number of the real estate and the name of the city, town, or township in which the real estate is located. With respect to real property, the statement must be filed during the twelve (12) months before June 11 of the year prior to the first year for which the person wishes to obtain the credit for the homestead. With respect to a mobile home that is not assessed as real property or a manufactured home that is not assessed as real property, the statement must be filed during the

twelve (12) months before March ~~2~~ **31** of the first year for which the individual wishes to obtain the credit. The statement may be filed in person or by mail. If mailed, the mailing must be postmarked on or before the last day for filing. The statement applies for that first year and any succeeding year for which the credit is allowed.

(b) The certified statement referred to in subsection (a) shall contain the name of any other county and township in which the individual owns or is buying real property.

(c) If an individual who is receiving the credit provided by this chapter changes the use of the individual's real property, so that part or all of that real property no longer qualifies for the homestead credit provided by this chapter, the individual must file a certified statement with the auditor of the county, notifying the auditor of the change of use within sixty (60) days after the date of that change. An individual who changes the use of the individual's real property and fails to file the statement required by this subsection is liable for the amount of the credit the individual was allowed under this chapter for that real property.

(d) An individual who receives the credit provided by section 2 of this chapter for property that is jointly held with another owner in a particular year and remains eligible for the credit in the following year is not required to file a statement to reapply for the credit following the removal of the joint owner if:

- (1) the individual is the sole owner of the property following the death of the individual's spouse;
- (2) the individual is the sole owner of the property following the death of a joint owner who was not the individual's spouse; or
- (3) the individual is awarded sole ownership of property in a divorce decree.

SECTION 11. [EFFECTIVE JANUARY 1, 2007 (RETROACTIVE)] IC 6-1.1-12-2, IC 6-1.1-12-10.1, IC 6-1.1-12-12, IC 6-1.1-12-15, IC 6-1.1-12-17, IC 6-1.1-12-17.5, IC 6-1.1-12-27.1, IC 6-1.1-12-30, IC 6-1.1-12-35.5, and IC 6-1.1-20.9-3, all as amended by this act, apply only to property taxes first due and payable after December 31, 2007.

SECTION 12. [EFFECTIVE JANUARY 1, 2007 (RETROACTIVE)] (a) This SECTION applies instead of IC 6-1.1-12-35.5 before its amendment by this act. Except as provided in IC 6-1.1-12-36, a person who desires to claim the deduction provided by IC 6-1.1-12-31, IC 6-1.1-12-33, IC 6-1.1-12-34, or IC 6-1.1-12-34.5 must file a certified statement in duplicate, on forms prescribed by the department of local government finance, and proof of certification under subsection (b) or (f) with the auditor of the county in which the property for which the deduction is claimed is subject to assessment. Except as provided in subsection (e), with respect to property that is not assessed under IC 6-1.1-7, the person must file the statement during the twelve (12) months before June 11 of the assessment year. The person must file the statement in each year for which the person desires to obtain the deduction. With respect to a property that is assessed under IC 6-1.1-7, the person must file the statement during the twelve (12) months before March 31 of each year for which the person desires to obtain the deduction. The statement may be filed in person or by mail. If mailed, the mailing must be postmarked on or before the last day for filing. On verification of the

statement by the assessor of the township in which the property for which the deduction is claimed is subject to assessment, the county auditor shall allow the deduction.

(b) This subsection does not apply to an application for a deduction under IC 6-1.1-12-34.5. The department of environmental management, upon application by a property owner, shall determine whether a system or device qualifies for a deduction provided by IC 6-1.1-12-31, IC 6-1.1-12-33, or IC 6-1.1-12-34. If the department determines that a system or device qualifies for a deduction, the department shall certify the system or device and provide proof of the certification to the property owner. The department shall prescribe the form and manner of the certification process required by this subsection.

(c) This subsection does not apply to an application for a deduction under IC 6-1.1-12-34.5. If the department of environmental management receives an application for certification before May 11 of the assessment year, the department shall determine whether the system or device qualifies for a deduction before June 11 of the assessment year. If the department fails to make a determination under this subsection before June 11 of the assessment year, the system or device is considered certified.

(d) A denial of a deduction claimed under IC 6-1.1-12-31, IC 6-1.1-12-33, IC 6-1.1-12-34, or IC 6-1.1-12-34.5 may be appealed as provided in IC 6-1.1-15. The appeal is limited to a review of a determination made by the township assessor, county property tax assessment board of appeals, or department of local government finance.

(e) A person who timely files a personal property return under IC 6-1.1-3-7(a) for an assessment year and who desires to claim the deduction provided in IC 6-1.1-12-31 for property that is not assessed under IC 6-1.1-7 must file the statement described in subsection (a) during the twelve (12) months before June 11 of that year. A person who obtains a filing extension under IC 6-1.1-3-7(b) for an assessment year must file the application between March 1 and the extended due date for that year.

(f) This subsection applies only to an application for a deduction under IC 6-1.1-12-34.5. The center for coal technology research established by IC 21-47-4-1, upon receiving an application from the owner of a building, shall determine whether the building qualifies for a deduction under IC 6-1.1-12-34.5. If the center determines that a building qualifies for a deduction, the center shall certify the building and provide proof of the certification to the owner of the building. The center shall prescribe the form and procedure for certification of buildings under this subsection. If the center receives an application for certification of a building under IC 6-1.1-12-34.5 before May 11 of an assessment year:

- (1) the center shall determine whether the building qualifies for a deduction before June 11 of the assessment year; and
- (2) if the center fails to make a determination before June 11 of the assessment year, the building is considered certified.

(g) This SECTION expires June 30, 2007.

SECTION 13. An emergency is declared for this act.

(Reference is to ESB 416 as reprinted March 16, 2007.)

R. Young, Chair	Dembowski
Kenley	Saunders
Senate Conferees	House Conferees

Roll Call 505: yeas 46, nays 0. Report adopted.

CONFERENCE COMMITTEE REPORT ESB 520-1

Madam President: Your Conference Committee appointed to confer with a like committee from the House upon Engrossed House Amendments to Engrossed Senate Bill 520 respectfully reports that said two committees have conferred and agreed as follows to wit: that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 5-2-4-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 6. Criminal intelligence information is hereby declared confidential and may be disseminated only to another criminal justice agency, in accordance with section 7 of this chapter, and only if the agency making the dissemination is satisfied that the need to know and intended uses of the information are reasonable and that the confidentiality of the information will be maintained.

SECTION 2. IC 5-2-4-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 7. (a) Except as provided in subsection (b), a person who knowingly releases criminal intelligence information to an agency or person other than a criminal justice agency commits a Class A misdemeanor.

(b) When necessary to avoid imminent danger to life or property, a criminal justice agency may disseminate an assessment of criminal intelligence information to:

- (1) a government official; or
- (2) another individual:
 - (A) whose life or property is in imminent danger;
 - (B) who is responsible for protecting the life or property of another person; or
 - (C) who may be in a position to reduce or mitigate the imminent danger to life or property.

SECTION 3. IC 5-2-6-3, AS AMENDED BY P.L.173-2006, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 3. The institute is established to do the following:

- (1) Evaluate state and local programs associated with:
 - (A) the prevention, detection, and solution of criminal offenses;
 - (B) law enforcement; and
 - (C) the administration of criminal and juvenile justice.
- (2) Improve and coordinate all aspects of law enforcement, juvenile justice, and criminal justice in this state.
- (3) Stimulate criminal and juvenile justice research.
- (4) Develop new methods for the prevention and reduction of crime.
- (5) Prepare applications for funds under the Omnibus Act and the Juvenile Justice Act.

- (6) Administer victim and witness assistance funds.
- (7) Administer the traffic safety functions assigned to the institute under IC 9-27-2.
- (8) Compile and analyze information and disseminate the information to persons who make criminal justice decisions in this state.
- (9) Serve as the criminal justice statistical analysis center for this state.
- (10) Identify grants and other funds that can be used by the department of correction to carry out its responsibilities concerning sex offender registration under IC 11-8-8.
- (11) Administer the application and approval process for designating an area of a consolidated or second class city as a public safety improvement area under IC 36-8-19.5.
- (12) Develop and maintain a meth watch program to inform retailers and the public about illicit methamphetamine production, distribution, and use in Indiana.
- (13) Establish, maintain, and operate, subject to specific appropriation by the general assembly, a web site containing a list of properties (as defined in IC 5-2-6-19(b)) that have been used as the site of a methamphetamine laboratory.

SECTION 4. IC 5-2-6-19 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 19. (a) As used in this section, "institute" refers to the Indiana criminal justice institute established by section 3 of this chapter.

(b) As used in this section, "property" refers to a structure or part of a structure that is used as a home, residence, or sleeping unit.

(c) Subject to specific appropriation by the general assembly, the institute shall establish, maintain, and operate a web site containing a list of properties that have been used as the site of a methamphetamine laboratory. The list of properties shall be based on information received from a law enforcement agency under IC 5-2-15-3.

(d) Subject to specific appropriation by the general assembly and in accordance with subsections (h) and (i), the institute shall publish the list of properties that have been used as the site of a methamphetamine laboratory on a web site maintained by the institute. The institute shall design the web site to enable a user to easily determine whether a particular property has been used as the site of a methamphetamine laboratory. The web site shall be referred to as the "methamphetamine laboratory web site".

(e) The institute shall remove a listed property from the web site after the property has been certified as decontaminated by an inspector approved under IC 13-14-1-15 or not more than two (2) years after the date the methamphetamine laboratory was seized by a law enforcement agency.

(f) Notwithstanding subsection (c), if property has been certified as decontaminated by an inspector approved under IC 13-14-1-15 before it is placed on the list required under subsection (c), the institute may not place the property on the list.

(g) Records concerning a listed property that has been removed from the web site under subsection (e) are confidential.

(h) This subsection only applies to a rental unit (as defined in IC 32-31-3-8). The institute may not list a rental unit that has been used as the site of a methamphetamine laboratory on the web site until the later of the following:

(1) Thirty (30) days after the date on which the institute receives information from a law enforcement agency under IC 5-2-15-3 that the rental unit has been the site of a methamphetamine laboratory, if the owner or operator of the rental property has not provided documentation to the institute showing:

(A) that the property has been inspected by a person certified to inspect property that is polluted by a contaminant under IC 13-14-1-15; and

(B) that the owner or operator has begun the process of decontaminating the property.

(2) If the owner or operator of the rental unit provides the documentation described in subdivision (1)(A) and (1)(B) not later than thirty (30) days after the date on which the institute receives information from a law enforcement agency under IC 5-2-15-3 that the rental unit has been the site of a methamphetamine laboratory, one hundred eighty (180) days after the date on which the institute receives information from a law enforcement agency that the rental unit has been the site of a methamphetamine laboratory.

However, if the owner or operator provides documentation to the institute within the appropriate time period described in subdivision (1) or (2) that a person authorized to inspect property that is polluted by a contaminant under IC 13-14-1-15 has certified that the property is decontaminated or was not contaminated by a methamphetamine laboratory, the institute may not list the property on the web site.

(i) This subsection only applies to a rental unit (as defined in IC 32-31-3-8). The institute shall remove a rental unit listed on the web site not more than five (5) days after receiving documentation from the owner or operator of the rental property that:

(1) the property has been inspected by a person certified to inspect property that is polluted by a contaminant under IC 13-14-1-15; and

(2) that the owner or operator has begun the process of decontaminating the property.

The institute shall relist the rental unit on the web site not less than one hundred fifty (150) days after receiving documentation described in subdivisions (1) and (2), unless the owner or operator of the rental property provides documentation to the institute that a person authorized to inspect property that is polluted by a contaminant under IC 13-14-1-15 has certified that the property is decontaminated or was not contaminated by a methamphetamine laboratory.

SECTION 5. IC 5-2-6-20 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 20. (a) The institute shall:

(1) attempt to obtain federal funds to establish and operate a methamphetamine precursor data base pilot project under this section; and

(2) if the institute obtains sufficient federal funds under subdivision (1), operate and maintain the pilot project.

(b) A pilot project established under this section must connect persons who:

- (1) sell a drug that contains the active ingredient of ephedrine or pseudoephedrine, or both; and
- (2) record drug sales information in an electronic log under IC 35-48-4-14.7(c);

to an electronic monitoring system that transfers the drug sales information to a central data base at the same time the drug sales information is recorded in the electronic log. Drug sales information may be transferred to the central data base from not more than six (6) counties under a pilot project established under this section.

(c) Only a law enforcement officer who has the right to inspect and copy a log or the records from the completion of a log under IC 35-48-4-14.7(c) may have access to information stored in the central data base described in subsection (b). A person may not sell or release information in the central data base for a commercial purpose.

(d) Information stored in a central data base established under this section must be retained until June 30, 2012.

(e) This section expires June 30, 2012.

SECTION 6. IC 5-2-15-3, AS ADDED BY P.L.192-2005, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 3. A law enforcement agency that terminates the operation of a methamphetamine laboratory shall report the existence and location of the methamphetamine laboratory to:

- (1) the state police department;
- (2) the local fire department that serves the area in which the methamphetamine laboratory is located; ~~and~~
- (3) the county health department or, if applicable, multiple county health department of the county in which the methamphetamine laboratory is located; ~~and~~
- (4) the Indiana criminal justice institute;

on a form and in the manner prescribed by guidelines adopted by the superintendent of the state police department under IC 10-11-2-31.

SECTION 7. IC 10-11-2-31, AS ADDED BY P.L.192-2005, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 31. (a) The superintendent shall adopt:

- (1) guidelines; and
- (2) a reporting form or a specified electronic format, or both; for the report of a methamphetamine laboratory by a law enforcement agency under IC 5-2-15-3.

(b) The guidelines adopted under this section must require a law enforcement agency to report the existence of a methamphetamine laboratory to:

- (1) the department;
- (2) the local fire department that serves the area in which the methamphetamine laboratory is located; ~~and~~
- (3) the county health department or, if applicable, multiple county health department of the county in which the methamphetamine laboratory is located; ~~and~~
- (4) the Indiana criminal justice institute;

on the form or in the specified electronic format adopted by the superintendent.

(c) The guidelines adopted under this section:

- (1) may incorporate a recommendation of the methamphetamine abuse task force (IC 5-2-14) that the superintendent determines to be relevant;
- (2) may require the department to report the existence of the methamphetamine laboratory to one (1) or more additional agencies or organizations;
- (3) must require the department to maintain reports filed under IC 5-2-15-3 in a manner permitting an accurate assessment of:
 - (A) the number of methamphetamine laboratories located in Indiana in a specified period;
 - (B) the geographical dispersal of methamphetamine laboratories located in Indiana in a specified period; and
 - (C) any other information that the superintendent determines to be relevant; and
- (4) must require a law enforcement agency to report any other information that the superintendent determines to be relevant.

SECTION 8. IC 32-21-5-5.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 5.5. As used in this chapter, "methamphetamine laboratory web site" means the list of properties that have been used as the site of a methamphetamine laboratory that is published on the Internet web site maintained by the Indiana criminal justice institute under IC 5-2-6-19.

SECTION 9. IC 35-48-4-14.7, AS AMENDED BY P.L.151-2006, SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 14.7. (a) This section does not apply to the following:

- (1) Ephedrine or pseudoephedrine dispensed pursuant to a prescription.
- (2) The sale of a drug containing ephedrine or pseudoephedrine to a licensed health care provider, pharmacist, retail distributor, wholesaler, manufacturer, or an agent of any of these persons if the sale occurs in the regular course of lawful business activities. However, a retail distributor, wholesaler, or manufacturer is required to report a suspicious order to the state police department in accordance with subsection (f).
- (3) The sale of a drug containing ephedrine or pseudoephedrine by a person who does not sell exclusively to walk-in customers for the personal use of the walk-in customers. However, if the person described in this subdivision is a retail distributor, wholesaler, or manufacturer, the person is required to report a suspicious order to the state police department in accordance with subsection (f).

(b) The following definitions apply throughout this section:

- (1) "Constant video monitoring" means the surveillance by an automated camera that:
 - (A) records at least one (1) photograph or digital image every ten (10) seconds;
 - (B) retains a photograph or digital image for at least seventy-two (72) hours;
 - (C) has sufficient resolution and magnification to permit the identification of a person in the area under surveillance; and
 - (D) stores a recorded photograph or digital image at a location that is immediately accessible to a law enforcement officer.

(2) "Convenience package" means a package that contains a drug having as an active ingredient not more than one hundred twenty (120) milligrams of ephedrine or pseudoephedrine, or both.

(3) "Ephedrine" means pure or adulterated ephedrine.

(4) "Pseudoephedrine" means pure or adulterated pseudoephedrine.

(5) "Suspicious order" means a sale or transfer of a drug containing ephedrine or pseudoephedrine if the sale or transfer:

(A) is a sale or transfer that the retail distributor, wholesaler, or manufacturer is required to report to the United States Drug Enforcement Administration;

(B) appears suspicious to the retail distributor, wholesaler, or manufacturer in light of the recommendations contained in Appendix A of the report to the United States attorney general by the suspicious orders task force under the federal Comprehensive Methamphetamine Control Act of 1996; or

(C) is for cash or a money order in a total amount of at least two hundred dollars (\$200).

(6) "Unusual theft" means the theft or unexplained disappearance from a particular retail store of drugs containing ten (10) grams or more of ephedrine, pseudoephedrine, or both in a twenty-four (24) hour period.

(c) This subsection does not apply to a convenience package. A person may sell a drug that contains the active ingredient of ephedrine, pseudoephedrine, or both only if the person complies with the following conditions:

(1) The person does not sell the drug to a person less than eighteen (18) years of age.

(2) The person does not sell drugs containing more than three (3) grams of ephedrine or pseudoephedrine, or both in one (1) transaction.

(3) The person requires:

(A) the purchaser to produce a state or federal identification card;

(B) the purchaser to complete a paper or an electronic log in a format approved by the state police department with the purchaser's name, address, and driver's license or other identification number; and

(C) the clerk who is conducting the transaction to initial or electronically record the clerk's identification on the log.

Records from the completion of a log must be retained for at least two (2) years. A law enforcement officer has the right to inspect and copy a log or the records from the completion of a log in accordance with state and federal law. A person may not sell or release a log or the records from the completion of a log for a commercial purpose. The Indiana criminal justice institute may obtain information concerning a log or the records from the completion of a log from a law enforcement officer if the information may not be used to identify a specific individual and is used only for statistical purposes. A retailer who in good faith releases information maintained under this subsection is immune from civil liability unless the release constitutes gross negligence or intentional, wanton, or willful misconduct. This subdivision expires June 30, 2008.

2012.

(4) The person stores the drug:

(A) behind a counter in an area inaccessible to a customer or in a locked display case that makes the drug unavailable to a customer without the assistance of an employee; or

(B) directly in front of the pharmacy counter in the direct line of sight of an employee at the pharmacy counter, in an area under constant video monitoring, if the drug is sold in a retail establishment that:

(i) is a pharmacy; or

(ii) contains a pharmacy that is open for business.

(d) A person may not purchase drugs containing more than three (3) grams of ephedrine, pseudoephedrine, or both in one (1) week.

(e) This subsection only applies to convenience packages. A person may not sell drugs containing more than one hundred twenty (120) milligrams of ephedrine or pseudoephedrine, or both in any one (1) transaction if the drugs are sold in convenience packages. A person who sells convenience packages must secure the convenience packages in at least one (1) of the following ways:

(1) The convenience package must be stored not more than thirty (30) feet away from a checkout station or counter and must be in the direct line of sight of an employee at the checkout station or counter.

(2) The convenience package must be protected by a reliable anti-theft device that uses package tags and detection alarms designed to prevent theft.

(3) The convenience package must be stored in restricted access shelving that permits a purchaser to remove not more than one (1) package every fifteen (15) seconds.

(4) The convenience package must be stored in an area that is under constant video monitoring, and a sign placed near the convenience package must warn that the area is under constant video monitoring.

(f) A retail distributor, wholesaler, or manufacturer shall report a suspicious order to the state police department in writing.

(g) Not later than three (3) days after the discovery of an unusual theft at a particular retail store, the retailer shall report the unusual theft to the state police department in writing. If three (3) unusual thefts occur in a thirty (30) day period at a particular retail store, the retailer shall, for at least one hundred eighty (180) days after the date of the last unusual theft, locate all drugs containing ephedrine or pseudoephedrine at that particular retail store behind a counter in an area inaccessible to a customer or in a locked display case that makes the drug unavailable to customers without the assistance of an employee.

(h) A unit (as defined in IC 36-1-2-23) may not adopt an ordinance after February 1, 2005, that is more stringent than this section.

(i) A person who knowingly or intentionally violates this section commits a Class C misdemeanor. However, the offense is a Class A misdemeanor if the person has a prior unrelated conviction under this section.

(j) Before June 30, 2007, the state police department shall submit a report to the legislative council detailing the effectiveness of this section in reducing the illicit production of methamphetamine. The report must describe the number of arrests or convictions that are attributable to the identification and logging requirements contained in this section, and must include recommendations for future action.

The report must be in an electronic format under IC 5-14-6
(Reference is to ESB 520 as printed April 6, 2007.)

M. Young, Chair

Van Haaften

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Senate Conferees

House Conferees

Roll Call 506: yeas 46, nays 1. Report adopted.

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has adopted the Senate amendments to Engrossed House Bill 1774 and is eligible for enrollment.

CLINTON MCKAY

Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has adopted the Conference Committee Reports on Engrossed Senate Bills 9-1, 128-1, 330-2, and 520-1.

CLINTON MCKAY

Principal Clerk of the House

SENATE MOTION

Madam President: I move that Senator Kruse be removed as sponsor of Engrossed House Bill 1046 and that Senator Ford be substituted therefor.

KRUSE

Motion prevailed.

RESOLUTIONS ON FIRST READING

House Concurrent Resolution 88

House Concurrent Resolution 88, sponsored by Senator Errington:

A CONCURRENT RESOLUTION honoring Melinda Webb.

Whereas, Muncie firefighter Melinda Webb won a bronze medal in golf in the 2007 World Police and Fire Games held in Adelaide, Australia, missing first place by only two strokes;

Whereas, Melinda Webb, who began playing golf with her father at a young age, scored 236 to earn the bronze medal in the women's open division;

Whereas, Although a little rusty coming out of winter, Melinda Webb improved her score each day;

Whereas, Melinda Webb, Muncie's only representative in this year's games, also competed in a team division with Lester Sorgen, a Fort Wayne firefighter;

Whereas, The World Police and Fire Games are a biennial Olympics for public safety officers and were attended by an estimated 10,000 athletes from more than 60 countries; and

Whereas, By attending the World Police and Fire Games, Melinda Webb has made friends with people from all over the world and experienced an event that will influence her life forever: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

SECTION 1. That the Indiana General Assembly congratulates Melinda Webb on winning a bronze medal at the 2007 World Police and Fire Games in golf and wishes her continued success in all her endeavors.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to Melinda Webb.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution.

Senate Resolution 68

Senate Resolution 68, introduced by Senator Boots:

A SENATE RESOLUTION urging the legislative council to assign to the commission on courts issues relating to judicial mandates and attorney's fees.

Whereas, The Indiana General Assembly has not previously addressed the self-imposed authority of state courts to issue mandates for funds under Trial Rule 60.5: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana:

SECTION 1. That the commission on courts study the historical use of Trial Rule 60.5 by courts, its affect on the budgets of civil units of government, and the expenses incurred by units in defending themselves against mandates, and that the commission make recommendations to the general assembly.

The resolution was read in full and adopted by voice vote.

House Concurrent Resolution 67

House Concurrent Resolution 67, introduced by Senators Waltz and Lubbers:

A CONCURRENT RESOLUTION honoring Louisa LaGrotto as the 2006 Indiana State Teacher of the Year.

Whereas, A six member committee, established within the Department of Education, is charged each year with selecting the most outstanding educator from nominations collected throughout Indiana;

Whereas, Louisa LaGrotto's efforts were recognized statewide when Superintendent of Public Instruction Dr. Suellen Reed recently named her the 2006 Indiana Teacher of the Year;

Whereas, Louisa LaGrotto's ability to work successfully with students of various academic levels and abilities made her stand out among all the excellent educators who were nominated;

Whereas, For over 15 years, Louisa LaGrotto has devoted herself to creating and fostering a world language culture in her Spanish classroom of sixth, seventh, and eighth grade students at Westlane Middle School in the Metropolitan School District of Washington Township in Indianapolis;

Whereas, In recognition of her hard work and dedication to teaching, accolades have been bestowed upon Louisa LaGrotto by the Metropolitan School District of Washington Township and the Indiana Foreign Language Teachers Association;

Whereas, Louisa LaGrotto demonstrates enduring integrity and excellence in all facets of education;

Whereas, In addition to teaching, Louisa LaGrotto recently joined the Indiana Department of Education as a Teacher in Residence, collaborating with the department to create a more global focus in Indiana's world language programs; and

Whereas, Louisa LaGrotto's dedication to her students and professional excellence inspires us: Therefore,

*Be it resolved by the House of Representatives
of the General Assembly of the State of Indiana,
the Senate concurring:*

SECTION 1. That the Indiana General Assembly congratulates Louisa LaGrotto on her selection as the 2006 Indiana State Teacher of the Year.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to Louisa LaGrotto, Metropolitan School District of Washington Township Superintendent Dr. James Mervilde, and Westlane Middle School Principal Linda Lawrence.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution.

House Concurrent Resolution 85

House Concurrent Resolution 85, sponsored by Senator Howard:

A CONCURRENT RESOLUTION recognizing the importance of international education.

Whereas, Congress declared 2006 the Year of Study Abroad, recognizing the need to educate future American leaders toward a global economic future, to increase global understanding, and to lead to better security;

Whereas, Multiple states have endorsed the creation of resolutions to support study abroad, and Indiana officially recognizes the significant contribution to study abroad that Indiana

students have already made;

Whereas, According to the Institute of International Education's (IIE) Open Doors national survey of colleges and universities, 7,369 university students from Indiana studied abroad in 2004-2005, the last year for which statistics are available;

Whereas, Institutions of higher education in Indiana have been leaders in the commitment to study abroad with Indiana ranking eleventh in the nation for the number of students studying abroad;

Whereas, The leading destinations for students studying abroad nationally are the United Kingdom, Italy, Spain, France, Australia, Mexico, Germany, China, Ireland, Costa Rica, and Japan;

Whereas, Indiana recognizes the need to support these links for cultural understanding and commerce;

Whereas, According to a 2005 random survey sponsored by NAESA: Association of International Educators, 77 percent of adults in the United States agree that students should have a study abroad experience during college;

Whereas, The economic importance of trade between Indiana and the rest of the world has been tracked and established by the international trade division of the Indiana department of commerce whose figures indicate that Indiana had \$13,000,000,000 in exports in 2004 and has 13 international trade offices worldwide;

Whereas, Indiana has 45 institutions of higher education and, according to IIE's Open Doors Report for 2005-2006, Indiana received 13,992 international students, up 6.4 percent from 2004-2005 and ranking tenth nationwide;

Whereas, These international students and their families contributed over \$302,400,000 in tuition, fees, and living expenses to Indiana's economy;

Whereas, Purdue University ranked third and Indiana University ranked seventeenth in total international student enrollment among United States colleges and universities;

Whereas, Indiana welcomes people from around the world who choose to come to our state for education, work, or visiting and values the benefits of contact that people in our state receive from working, living, and studying with people from different countries;

Whereas, Indiana recognizes the importance of a diverse population and workforce in maintaining and attracting population and general commerce to our state as well as ensuring a globally focused population; and

Whereas, Hoosiers recognize the necessity of attracting and retaining diversity in our communities, workforce, and institutions of higher education, and we recognize the benefits of retaining our globally competent college graduates in our state: Therefore,

*Be it resolved by the House of Representatives
of the General Assembly of the State of Indiana,
the Senate concurring:*

SECTION 1. That the Indiana General Assembly encourages and recommends students and faculty to promote international education as part of curricular and extracurricular life at the state's public and private colleges and universities.

SECTION 2. That the state supports international educational endeavors in higher education and, by doing so, contributes to global awareness among public officials, business leaders, educators, and all residents of Indiana.

SECTION 3. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to Governor Mitch Daniels and the presidents of all Indiana colleges and universities.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution.

10:56 a.m.

The Chair declared a recess until the fall of the gavel.

Recess

The Senate reconvened at 1:36 p.m., with the President of the Senate in the Chair.

COMMITTEE REPORT

Pursuant to Senate Rule 83(j), your Committee on Rules and Legislative Procedure to which was referred Conference Committee Reports filed on Engrossed Senate Bills 412, 461, 247, 270, 250, 193, 125, and 566 and Engrossed House Bills 1767, 1078, 1173, 1274, and 1425 has had the same under consideration and begs leave to report back to the Senate with the recommendation that said Conference Committee Reports are eligible for consideration.

LONG, Chair

Report adopted.

PRESIDENT PRO TEMPORE'S REPORT OF CONFEEEE CHANGES

Pursuant to Rule 81(c), of the Standing Rules and Orders of the Senate, President Pro Tempore David C. Long has made the following change in conferee (or advisor) appointments to Engrossed House Bill 1046:

Ford to replace Kruse as conferee

LONG

Date: 4/28/2007

Time: 10:28 a.m.

Report adopted.

SENATE MOTION

Madam President: I move that Senator Gard be removed as coauthor of Engrossed Senate Bill 250.

GARD

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Jackman be removed as author of Engrossed Senate Bill 250 and that Senator Gard be substituted therefor.

JACKMAN

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Jackman be added as coauthor of Engrossed Senate Bill 250.

GARD

Motion prevailed.

RESOLUTIONS ON FIRST READING

Senate Resolution 71

Senate Resolution 71, introduced by Senator Landske:

A SENATE RESOLUTION congratulating Tom May on his retirement from coaching.

Whereas, Tom May has been a dedicated educator and coach at Crown Point High School since 1981. He will retire from coaching the Lady Bulldogs at the end of the season with 442 wins and many wonderful memories to his credit;

Whereas, Tom May has been a great advocate of girls basketball since the 1980's. He insisted that the cheerleaders and the band perform at the Lady Bulldog home games, campaigned to have the girls play Friday nights, and lobbied for equal media coverage;

Whereas, Tom May's passion and dedication yielded results. His first five Lady Bulldog teams went 105-12 and won two state championships. His best team may have been the undefeated 1984 squad, but his best production was the 1997 team which went to the state title game in the final one-class tournament with no player averaging as many as 11 points per game;

Whereas, In addition to the Lady Bulldogs, Tom May has coached the Indiana all-stars in 1984 and 1992. He has been selected Northwest Indiana coach of the year a total of six times, and coached boys tennis at Crown Point High School for fifteen years; and

Whereas, The impact of Tom May on girls basketball extends throughout the sport. Tom May will be missed by the players, parents and fans of the Crown Point Lady Bulldogs, but he will

never be forgotten: Therefore,

*Be it resolved by the Senate of the
General Assembly of the State of Indiana:*

SECTION 1. That the Indiana Senate congratulates Tom May on his retirement from coaching and wishes him well in all his future endeavors.

SECTION 2. That the Secretary of the Senate is hereby directed to transmit a copy of this Resolution to Crown Point High School Principal Ryan Pitcock, Coach Tom May and his family.

The resolution was read in full and adopted by voice vote.

Senate Resolution 69

Senate Resolution 69, introduced by Senator Miller:

A SENATE RESOLUTION urging the legislative council to assign to the health finance commission the topic of the survey process for long term care facilities.

Whereas, The need for competent, professional staff in long term care facilities is of utmost importance to the citizens of Indiana; and

Whereas, In order to assure that these facilities meet all necessary requirements, state government should further study the process used to survey these facilities: Therefore,

*Be it resolved by the Senate of the
General Assembly of the State of Indiana:*

SECTION 1. That the legislative council is urged to assign to the health finance commission the topic of the survey process for long term care facilities.

SECTION 2. That the commission shall issue a final report when directed to do so by the council.

The resolution was read in full and adopted by voice vote.

CONFERENCE COMMITTEE REPORTS

CONFERENCE COMMITTEE REPORT

EHB 1078-1

Madam President: Your Conference Committee appointed to confer with a like committee from the House upon Engrossed Senate Amendments to Engrossed House Bill 1078 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the House recede from its dissent from all Senate amendments and that the House now concur in all Senate amendments to the bill and that the bill be further amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 4-23-24.1-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 3. The commission consists of ~~fourteen (14)~~ **thirteen (13)** members, appointed as follows:

(1) ~~Ten (10)~~ **Nine (9)** members who are Indiana residents appointed by the governor. Each Indiana congressional district must be represented by at least one (1) individual appointed under this subdivision who is a resident of that congressional district. Not more than five (5) members appointed under this subdivision may be members of the same political party.

(2) Four (4) members of the general assembly who are appointed under section 5 of this chapter.

SECTION 2. IC 4-23-24.1-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 6. ~~Eight (8)~~ **Seven (7)** members of the commission constitute a quorum.

SECTION 3. IC 4-23-24.1-6.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 6.5. (a) The commission is responsible for making all policy decisions relating to the duties and powers of the commission.**

(b) Neither:

(1) the staff support provided by the civil rights commission under section 8 of this chapter; nor

(2) the executive director of the Dr. Martin Luther King Jr. Indiana holiday commission;

may make any policy decisions on behalf of the commission relating to the duties and powers of the commission, except as authority to make such decision is delegated by the commission.

SECTION 4. [EFFECTIVE JULY 1, 2007] **(a) IC 4-23-24.1-3, as amended by this act, applies only to members of the Dr. Martin Luther King Jr. Indiana holiday commission appointed by the governor after December 31, 2008. A member of the commission appointed by the governor under IC 4-23-24.1-3(1) before January 1, 2009, may serve the entire four (4) year term to which the member was appointed, as provided in IC 4-23-24.1-4(b).**

(Reference is to EHB 1078 as printed April 6, 2007.)

Tincher, Chair

Kruse

Ruppel

Lewis

House Conferees

Senate Conferees

Roll Call 507: yeas 43, nays 0. Report adopted.

CONFERENCE COMMITTEE REPORT

EHB 1173-1

Madam President: Your Conference Committee appointed to confer with a like committee from the House upon Engrossed Senate Amendments to Engrossed House Bill 1173 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the House recede from its dissent from all Senate amendments and that the House now concur in all Senate amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 10-12-3-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. (a) Benefits provided under this section are subject to IC 10-12-2-3.

(b) The basic monthly pension amount may not exceed by more than twenty dollars (\$20) one-half (1/2) the amount of the employee beneficiary's average monthly wage (excluding payments for overtime and determined without regard to any salary reduction agreement established under Section 125 of the Internal Revenue Code) received during the highest paid consecutive twelve (12) months before retirement. Salary that exceeds the monthly wage received by a police employee in the grade of trooper at the beginning of the trooper's ~~third~~ **sixth** year of service may not be considered when the basic pension amount is computed.

(c) An employee beneficiary in the active service of the department who has completed twenty (20) years of service after July 1, 1937, and who continues after July 1, 1937, in the service of the department is entitled to add to the basic monthly pension amount, at retirement, the following:

- (1) Two percent (2%) of the basic amount for each of the next two (2) full years of service over twenty (20) years.
- (2) Three percent (3%) of the basic amount for each of the next two (2) full years over twenty-two (22) years.
- (3) Four percent (4%) of the basic amount for each of the next two (2) full years over twenty-four (24) years.
- (4) Five percent (5%) of the basic amount for each of the next two (2) full years over twenty-six (26) years.
- (5) Six percent (6%) of the basic amount for each of the next two (2) full years over twenty-eight (28) years.
- (6) Seven percent (7%) of the basic amount for each of the next two (2) full years over thirty (30) years.
- (7) Eight percent (8%) of the basic amount for each of the next two (2) full years over thirty-two (32) years.

However, the total of the additional amount may not exceed seventy percent (70%) of the basic pension amount. These additional benefits are subject to the compulsory retirement age provided by the pension trust.

SECTION 2. IC 10-12-4-9 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9. (a) **The basic monthly pension amount (plus postretirement increases) payable after June 30, 2007, to an employee beneficiary of the state police 1987 benefit system who retired or was disabled after June 30, 1987, and before July 2, 2005, shall be increased by one percent (1%) of the maximum basic monthly pension amount payable to a retired state police employee in the grade of a trooper who has completed twenty-five (25) years of service as of July 1, 2007, as calculated under section 7 of this chapter.**

(b) **The increases specified in this section:**

- (1) **shall be based on the date of the employee beneficiary's latest retirement or disability;**
- (2) **do not apply to the benefits payable in a lump sum; and**
- (3) **are in addition to any other increase provided by law.**

SECTION 3. IC 10-12-4-10 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. (a) **The basic monthly pension amount (plus postretirement increases) payable after**

June 30, 2008, to an employee beneficiary of the state police 1987 benefit system who retired or was disabled after June 30, 1987, and before July 2, 2006, shall be increased by one percent (1%) of the maximum basic monthly pension amount payable to a retired state police employee in the grade of trooper who has completed twenty-five (25) years of service as of July 1, 2007, as calculated under section 7 of this chapter.

(b) **The increases specified in this section:**

- (1) **shall be based on the date of the employee beneficiary's latest retirement or disability;**
- (2) **do not apply to the benefits payable in a lump sum; and**
- (3) **are in addition to any other increase provided by law.**

SECTION 4. IC 10-12-5-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) The pension advisory board that administers the pension under IC 10-12-3 shall direct and supervise the supplemental benefits provided in this chapter.

(b) The pension advisory board shall: ~~annually:~~

- (1) **annually** provide a schedule showing the number of retirees receiving pension benefits under IC 10-12-3; and
- (2) **meet at least one (1) time each year to add to the regular pension benefit or annuity ~~a~~ and any previously granted supplemental benefit equal to fifty percent (50%) of the difference between:**

~~(A) the retiree's pension amount; and~~

~~(B) the pension benefits received by an employee retiring from the department after July 1, 1970; with twenty (20) years of active service;~~

the amount described in subsection (c).

(c) **The supplemental benefit referred to in subsection (b)(2) is equal to fifty percent (50%) of the difference between:**

- (1) **the pension benefits to be received by an employee retiring from the department with twenty (20) years of active service the day after a change in the monthly wage received by a police employee in the grade of trooper at the beginning of the trooper's sixth year of service; and**
- (2) **the lesser of:**

(A) the pension benefit received by the employee beneficiary; or

(B) the pension benefit received by an employee retiring from the department with twenty (20) years of active service the day before a change in the monthly wage received by a police employee in the grade of trooper at the beginning of the trooper's sixth year of service.

SECTION 5. IC 10-12-5-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. As an incentive to all employees of the department, the supplemental pension benefits of this chapter shall be increased by more than the fifty percent (50%) increase provided in section 3 of this chapter, at the rate of a five percent (5%) per year **increase** for each year of active service over twenty (20) years up to thirty (30) years of service, to provide that retired employees with thirty (30) years of service are entitled to ~~one hundred percent (100%) of the regular pension benefits of employees who retire with twenty (20) years of active service after July 1, 1970; as calculated in section (3)(c) of this chapter.~~

SECTION 6. IC 10-12-5-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) The pension advisory board ~~shall may meet at any time to~~ make the necessary computations required by this chapter. ~~on or before August 1 of each year preceding a session of the general assembly.~~

(b) The general assembly shall appropriate and the budget agency shall make available an amount sufficient to provide the funds necessary for supplemental pension benefits for eligible retirees under this chapter.

SECTION 7. **An emergency is declared for this act.**

(Reference is to EHB 1173 as printed April 6, 2007.)

Cochran, Chair

Kruse

Leonard

Deig

House Conferees

Senate Conferees

Roll Call 508: yeas 46, nays 0. Report adopted.

CONFERENCE COMMITTEE REPORT

EHB 1425-1

Madam President: Your Conference Committee appointed to confer with a like committee from the House upon Engrossed Senate Amendments to Engrossed House Bill 1425 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the House recede from its dissent from all Senate amendments and that the House now concur in all Senate amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 9-13-2-105, AS AMENDED BY P.L.210-2005, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 105. (a) "Motor vehicle" means, except as otherwise provided in this section, a vehicle that is self-propelled. The term does not include a farm tractor, an implement of agriculture designed to be operated primarily in a farm field or on farm premises, or an electric personal assistive mobility device.

(b) "Motor vehicle", for purposes of IC 9-21, means:

(1) a vehicle except a motorized bicycle that is self-propelled; or

(2) a vehicle that is propelled by electric power obtained from overhead trolley wires, but not operated upon rails.

(c) "Motor vehicle", for purposes of IC 9-19-10.5 and IC 9-25, means a vehicle that is self-propelled upon a highway in Indiana. The term does not include a farm tractor.

(d) "Motor vehicle", for purposes of IC 9-30-10, does not include a motorized bicycle.

(e) "Motor vehicle", for purposes of IC 9-23-2 and IC 9-23-3, includes a semitrailer.

SECTION 2. IC 9-13-2-179 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 179. "Towing service" means a ~~business person~~ that engages in moving or removing ~~abandoned or disabled vehicles and, once the vehicles are moved or removed, stores or impounds the vehicles.~~

SECTION 3. IC 9-21-21-3, AS AMENDED BY HEA 1357-2007, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. **Except as**

provided in section 4.3 of this chapter, if the owner of a farm truck, farm trailer, or farm semitrailer and tractor described in section 1 of this chapter begins to operate the farm truck, farm trailer, or farm semitrailer and tractor or permits the farm truck, farm trailer, or farm semitrailer and tractor to be operated:

(1) in the conduct of a commercial enterprise; or

(2) for the transportation of farm products after the commodities have entered the channels of commerce during a registration year for which the license fee under IC 9-29-5-13 has been paid;

the owner shall pay the amount computed under IC 9-29-5-13.5(b) due for the remainder of the registration year for the license fee.

SECTION 4. IC 9-21-21-4.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 4.3. (a) Notwithstanding section 3 of this chapter, subsection (b), and IC 9-18-2-4, a farm truck, farm trailer, or farm semitrailer and tractor described in section 1 of this chapter may be operated intrastate for the transportation of seasonal, perishable, fruit or vegetables to the first point of processing for not more than one (1) thirty (30) day period in a registration year established by IC 9-18-2-7. Before a vehicle may be operated as provided in this subsection, the owner shall pay to the bureau:**

(1) the license fee due under IC 9-29-5-13(b); and

(2) eight and one-half percent (8.5%) of the license fee paid under IC 9-29-5-13(b);

for the farm truck, farm trailer, or farm semitrailer and tractor.

(b) Notwithstanding section 3 of this chapter, subsection (a), and IC 9-18-2-4, a farm truck, farm trailer, or farm semitrailer and tractor described in section 1 of this chapter may be operated intrastate for the transportation of tomatoes or silage to the first point of processing for a period of not more than one (1) seventy-one (71) day period in a registration year established by IC 9-18-2-7. Before a vehicle may be operated as provided in this subsection, the owner shall pay to the bureau:

(1) the license fee due under IC 9-29-5-13(b); and

(2) seventeen percent (17%) of the license fee paid under IC 9-29-5-13(b);

for the farm truck, farm trailer, or farm semitrailer and tractor.

(c) The bureau shall adopt rules under IC 4-22-2 to authorize the operation of a farm truck, farm trailer, or farm semitrailer and tractor in the manner provided in this section.

SECTION 5. IC 9-21-21-5, AS ADDED BY P.L.210-2005, SECTION 36, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. In addition to the penalty provided in section 7 of this chapter, **and except as provided in section 4.3 of this chapter**, a person that operates a vehicle or allows a vehicle that the person owns to be operated when the vehicle is:

(1) registered under this chapter as a farm truck, farm trailer, or farm semitrailer and tractor; and

(2) operated as set forth in section 3 of this chapter;

commits a Class C infraction. However, the offense is a Class B infraction if, within the three (3) years preceding the commission of the offense, the person had a prior unrelated judgment under this section.

SECTION 6. IC 9-22-1-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 3. As used in this chapter, "public agency" means ~~the bureau or~~ a local agency given the responsibility by statute or ordinance for the removal, storage, and disposal of abandoned vehicles.

SECTION 7. IC 9-22-1-4, AS AMENDED BY P.L.104-2005, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 4. (a) Except as provided in subsection (c), the person who owns an abandoned vehicle or parts is:

- (1) responsible for the abandonment; and
- (2) liable for all of the costs incidental to the removal, storage, and disposal;

of the vehicle or the parts under this chapter.

(b) The costs for storage of an abandoned vehicle may not exceed one thousand five hundred dollars (\$1,500).

(c) If an abandoned vehicle is sold by a person who removed, towed, or stored the vehicle, the person who previously owned the vehicle is not responsible for storage fees.

(d) If an abandoned vehicle is sold by a person who removed, towed, or stored the vehicle, and proceeds from the sale of the vehicle covered the **removal, towing, and** storage expenses, any remaining proceeds from the sale of the vehicle shall be returned to the previous owner of the vehicle if the previous owner is known.

SECTION 8. IC 9-22-1-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 6. The bureau shall be notified within seventy-two (72) hours of the location and description of a vehicle described in section 5 of this chapter. ~~Upon receipt of notification, the bureau shall cause a search to be made to determine and notify the person who owns the vehicle under section 20 of this chapter.~~

SECTION 9. IC 9-22-1-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 7. If:

- (1) **the person who owns or holds a lien under section 8 of this chapter does not appear and pay all costs; or**
- (2) the person who owns a vehicle cannot be determined by a search **conducted** under section ~~20~~ **19** of this chapter;

~~the bureau shall declare the vehicle is considered~~ **abandoned and provide for disposal must be disposed of** under this chapter.

SECTION 10. IC 9-22-1-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 9. The release must state the name, signature, and address of the person who owns or holds a lien on the vehicle, a description of the vehicle or parts, costs, and date of release. A towing ~~operator service~~ shall notify the ~~bureau~~ **appropriate public agency** of all releases under section 8 of this chapter.

SECTION 11. IC 9-22-1-13, AS AMENDED BY P.L.104-2005, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 13. (a) If in the opinion of the officer the market value of an abandoned vehicle or parts determined in accordance with section 12 of this chapter is less than:

- (1) five hundred dollars (\$500); or
 - (2) in a municipality that has adopted an ordinance under subsection (b), the amount established by the ordinance;
- the officer shall immediately dispose of the vehicle to a **towing**

~~service.~~ **storage yard.** A copy of the abandoned vehicle report and photographs relating to the abandoned vehicle shall be forwarded to the bureau. ~~The~~ **A** towing service may dispose of ~~the an~~ an abandoned vehicle not less than thirty (30) days after the date on which the towing service removed the abandoned vehicle. **A city, county, or town that operates a storage yard under IC 36-9-30-3 may dispose of an abandoned vehicle to an automobile scrapyard or an automotive salvage recycler upon removal of the abandoned vehicle.** The public agency disposing of the vehicle shall retain the original records and photographs for at least two (2) years.

(b) The legislative body of a municipality (as defined in IC 36-1-2-11) may adopt an ordinance that establishes the market value below which an officer may dispose of a vehicle or parts under subsection (a). However, the market value established by the ordinance may not be more than seven hundred fifty dollars (\$750).

SECTION 12. IC 9-22-1-16, AS AMENDED BY P.L.104-2005, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 16. (a) If after seventy-two (72) hours the person who owns a vehicle believed to be abandoned on private property that the person owns or controls, including rental property, has not removed the vehicle from the private property, the person who owns or controls the private property may have the vehicle towed from the private property. ~~The towing operator shall do the following:~~

~~(1) Contact the bureau to obtain the name and address of the person who owns the vehicle.~~

~~(2) Send, by certified mail, a copy of the information contained in the notice required under section 15 of this chapter to the person who owns the vehicle. The notice required by this subdivision must be mailed to the person who owns the vehicle according to the records of the bureau not later than five (5) business days after receipt of the information in subdivision (1) from the bureau.~~

(b) Notwithstanding subsection (a), in an emergency situation a vehicle may be removed immediately. As used in this subsection, "emergency situation" means that the presence of the abandoned vehicle interferes physically with the conduct of normal business operations of the person who owns or controls the private property or poses a threat to the safety or security of persons or property, or both.

SECTION 13. IC 9-22-1-17 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 17. A towing ~~operator who service that~~ **operator service** that tows a vehicle under section ~~5 or~~ **16** of this chapter shall give notice to the public agency ~~and bureau~~ that the abandoned vehicle is in the possession of the towing ~~operator service.~~

SECTION 14. IC 9-22-1-19, AS AMENDED BY P.L.104-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 19. (a) Within seventy-two (72) hours after removal of ~~an abandoned~~ a vehicle to a storage yard or towing service under section ~~5, 13, 14, or 16~~ of this chapter, the public agency or towing ~~operator service~~ shall **do the following:**

(1) Prepare and forward to the bureau an abandoned vehicle a report containing a description of the vehicle, including the following information concerning the vehicle:

- (1) (A) The make.
- (2) (B) The model.
- (3) (C) The identification number.
- (4) (D) The number of the license plate.

(2) Conduct a search of national data bases, including a data base of vehicle identification numbers, to attempt to obtain the name and address of the person who owns or holds a lien on the vehicle.

(b) The public agency or towing operator shall request that the bureau advise the public agency or towing operator of the name and most recent address of the person who owns or holds a lien on the vehicle:

(c) (b) Notwithstanding section 4 of this chapter, if the public agency or towing operator service fails to notify the bureau of the removal of an abandoned vehicle within seventy-two (72) hours after the vehicle is removed as required by subsection (a), the public agency or towing operator service:

- (1) may not initially collect more in reimbursement for the costs of storing the vehicle than the cost incurred for storage for seventy-two (72) hours; and
- (2) subject to subsection (c), may collect further reimbursement under this chapter only for additional storage costs incurred after notifying the bureau of the removal of the abandoned vehicle.

(c) If the public agency or towing service obtains the name and address of the person who owns or holds a lien on a vehicle under subsection (a)(2), within seventy-two (72) hours after obtaining the name and address, the public agency or towing service shall, by certified mail, notify the person who owns or holds a lien on the vehicle of the:

- (1) name;
- (2) address; and
- (3) telephone number;

of the public agency or towing service. Notwithstanding section 4 of this chapter and subsection (b)(2), a public agency or towing service that fails to notify a person who owns or holds a lien on the vehicle as set forth in this subsection may not collect additional storage costs incurred after the date of receipt of the name and address obtained under subsection (a)(2).

(d) A towing service may not collect reimbursement under both subsections (b) and (c) for storage costs incurred during a particular period for one (1) vehicle.

SECTION 15. IC 9-22-1-23 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 23. (a) This section applies to a consolidated city, second class city, town, or county.

(b) Except as provided in subsection (c), if the person who owns or holds a lien upon a vehicle does not appear within twenty (20) days after the mailing of a notice under section 20 19 of this chapter, the unit may sell the vehicle or parts by either of the following methods:

- (1) The unit may sell the vehicle or parts to the highest bidder at a public sale. Notice of the sale shall be given under IC 5-3-1, except that only one (1) newspaper insertion one (1) week before the public sale is required.
- (2) The unit may sell the vehicle or part as unclaimed property under IC 36-1-11. The twenty (20) day period for the property to remain unclaimed is sufficient for a sale under this subdivision.

(c) This subsection applies to a consolidated city or county containing a consolidated city. If the person who owns or holds a lien upon a vehicle does not appear within fifteen (15) days after the mailing of a notice under section 20 19 of this chapter, the unit may sell the vehicle or parts by either of the following methods:

- (1) The unit may sell the vehicle or parts to the highest bidder at a public sale. Notice of the sale shall be given under IC 5-3-1, except that only one (1) newspaper insertion one (1) week before the public sale is required.
- (2) The unit may sell the vehicle or part as unclaimed property under IC 36-1-11. The fifteen (15) day period for the property to remain unclaimed is sufficient for a sale under this subdivision.

SECTION 16. IC 9-22-1-24 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 24. A person who purchases a vehicle under section 22 or 23 of this chapter shall be furnished a bill of sale for each abandoned vehicle sold by the bureau or public agency upon paying the fee for a bill of sale under IC 9-29-7. A person who purchases a vehicle under section 22 or 23 of this chapter must:

- (1) present evidence from a law enforcement agency that the vehicle purchased is roadworthy, if applicable; and
 - (2) pay the appropriate title fee under IC 9-29-4;
- to obtain a certificate of title under IC 9-17 for the vehicle.

SECTION 17. IC 9-22-1-26 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 26. The proceeds of sale of an abandoned vehicle or parts under section 22 or 23 of this chapter shall be credited against the costs of the removal, storage, and disposal of the vehicle.

SECTION 18. IC 9-22-1-27 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 27. (a) This section applies to sales of abandoned vehicles or parts by local units: a city, county, or town.

(b) The proceeds from the sale of abandoned vehicles or parts, including:

- (1) charges for bills of sale; and
- (2) money received from persons who own or hold liens on vehicles for the cost of removal or storage of vehicles;

shall be deposited with the county treasurer or city controller and placed by the treasurer or controller in the unit's city's, county's, or town's abandoned vehicle fund by the fiscal officer of the city, county, or town.

(c) The costs incurred by a public agency in administering this chapter shall be paid from the abandoned vehicle fund.

(d) The fiscal body shall annually appropriate sufficient money to the fund to carry out this chapter. Money remaining in the fund at the end of a year remains in the fund and does not revert to the general fund.

(e) Notwithstanding subsection (d), the fiscal body of a consolidated city may transfer money from the fund.

SECTION 19. IC 9-22-5-15, AS AMENDED BY P.L.104-2005, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 15. (a) An individual, a firm, a limited liability company, or a corporation that performs labor, furnishes materials or storage, or does repair work on a motor vehicle, trailer, semitrailer, or recreational vehicle at the request of the person who owns the vehicle has a lien on the vehicle to the

reasonable value of the charges for the labor, materials, storage, or repairs.

(b) An individual, a firm, a partnership, a limited liability company, or a corporation that provides towing services for a motor vehicle, trailer, semitrailer, or recreational vehicle: ~~at the request of:~~

(1) ~~at the request of~~ the person who owns the motor vehicle, trailer, semitrailer, or recreational vehicle; ~~or~~

(2) ~~at the request of~~ an individual, a firm, a partnership, a limited liability company, or a corporation on whose property an abandoned motor vehicle, trailer, semitrailer, or recreational vehicle is located; ~~or~~

(3) in accordance with IC 9-22-1;

has a lien on the vehicle for the reasonable value of the charges for the towing services and other related costs. An individual, a firm, a partnership, a limited liability company, or a corporation that obtains a lien for an abandoned vehicle under subdivision (2) must comply with IC 9-22-1-4, IC 9-22-1-16, IC 9-22-1-17, and IC 9-22-1-19.

(c) If:

(1) the charges made under subsection (a) or (b) are not paid; and

(2) the motor vehicle, trailer, semitrailer, or recreational vehicle is not claimed;

within thirty (30) days from the date on which the vehicle was left in or came into the possession of the individual, firm, limited liability company, or corporation for repairs, storage, towing, or the furnishing of materials, the individual, firm, limited liability company, or corporation may advertise the vehicle for sale. The vehicle may not be sold before fifteen (15) days after the date the advertisement required by subsection (d) has been placed or after notice required by subsection (e) has been sent, whichever is later.

(d) Before a vehicle may be sold under subsection (c), an advertisement must be placed in a newspaper of general circulation printed in the English language in the city or town in which the lienholder's place of business is located. The advertisement must contain at least the following information:

(1) A description of the vehicle, including make, type, and manufacturer's identification number.

(2) The amount of the unpaid charges.

(3) The time, place, and date of the sale.

(e) In addition to the advertisement required under subsection (d), the person who holds the mechanic's lien must:

(1) notify the person who owns the vehicle and any other person who holds a lien of record at the person's last known address by certified mail, return receipt requested; or

(2) if the vehicle is an abandoned motor vehicle, provide notice as required under subdivision (1) if the location of the owner of the motor vehicle or a lienholder of record is determined by the bureau in a search under ~~IC 9-22-1-20;~~

IC 9-22-1-19;

that the vehicle will be sold at public auction on a specified date to satisfy the lien imposed by this section.

(f) A person who holds a lien of record on a vehicle subject to sale under this section may pay the storage, repair, towing, or service charges due. If the person who holds the lien of record elects to pay the charges due, the person is entitled to possession of the vehicle and becomes the holder of the mechanic's lien imposed

by this section.

(g) If the person who owns a vehicle subject to sale under this section does not claim the vehicle and satisfy the lien on the vehicle, the vehicle may be sold at public auction to the highest and best bidder for cash. A person who holds a mechanic's lien under this section may purchase a vehicle subject to sale under this section.

(h) A person who holds a mechanic's lien under this section may deduct and retain the amount of the lien and the cost of the advertisement required under subsection (d) from the purchase price received for a vehicle sold under this section. After deducting from the purchase price the amount of the lien and the cost of the advertisement, the person shall pay the surplus of the purchase price to the person who owns the vehicle if the person's address or whereabouts is known. If the address or whereabouts of the person who owns the vehicle is not known, the surplus of the purchase price shall be paid over to the clerk of the circuit court of the county in which the person who holds the mechanic's lien has a place of business for the use and benefit of the person who owns the vehicle.

(i) A person who holds a mechanic's lien under this section shall execute and deliver to the purchaser of a vehicle under this section a sales certificate in the form designated by the bureau, setting forth the following information:

(1) The facts of the sale.

(2) The vehicle identification number.

(3) The certificate of title if available.

(4) A certificate from the newspaper showing that the advertisement was made as required under subsection (d).

Whenever the bureau receives from the purchaser an application for certificate of title accompanied by these items, the bureau shall issue a certificate of title for the vehicle under IC 9-17.

SECTION 20. IC 9-29-5-13.5, AS AMENDED BY HEA 1357-2007, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 13.5. (a) This section applies to a truck, trailer, or semitrailer and tractor for which a license fee provided in section 13(b) of this chapter has been paid.

(b) **Except as provided in subsections (d) and (e),** if the owner of a truck, trailer, or semitrailer and tractor described in subsection (a) begins to operate the truck, trailer, or semitrailer and tractor in the conduct of a commercial enterprise or for the transportation of farm products after the commodities have entered the channels of commerce during a registration year for which the license fee under section 13(b) of this chapter has been paid, the owner shall pay the amount listed in this chapter for a truck, trailer, or semitrailer and tractor of the same declared gross weight reduced by a credit determined under subsection (c) to license the truck, trailer, or semitrailer and tractor.

(c) The credit provided in subsection (b) equals:

(1) the license fee paid under section 13(b) of this chapter; reduced by

(2) ten percent (10%) for each full or partial calendar month that has elapsed in the registration year for which the license fee has been paid.

The credit may not exceed ninety percent (90%) of the license fee paid under section 13(b) of this chapter.

(d) Notwithstanding subsections (b) and (e) and IC 9-18-2-4, a truck, trailer, or semitrailer and tractor described in subsection (a) may be operated intrastate for the transportation

of seasonal, perishable fruit or vegetables to the first point of processing for a period that consists of not more than a thirty (30) day period in a registration year as provided by IC 9-21-21-4.3(a). Before a vehicle may be operated as provided in this subsection, the owner shall pay to the bureau:

- (1) any license fee due under section 13(b) of this chapter; and
- (2) eight and one-half percent (8.5%) of the license fee paid under section 13(b) of this chapter.

(e) Notwithstanding subsections (b) and (d) and IC 9-18-2-4, a truck, trailer, or semitrailer and tractor described in subsection (a) may be operated intrastate for the transportation of tomatoes or silage to the first point of processing for a period that consists of not more than one (1) seventy-one (71) day period in a registration year as provided by IC 9-21-21-4.3(b). Before a vehicle may be operated as provided in this subsection, the owner shall pay to the bureau:

- (1) any license fee due under section 13(b) of this chapter; and
- (2) seventeen percent (17%) of the license fee paid under section 13(b) of this chapter.

SECTION 21. THE FOLLOWING ARE REPEALED [EFFECTIVE JULY 1, 2007]: IC 9-22-1-10; IC 9-22-1-20; IC 9-22-1-22; IC 9-22-1-28; IC 9-22-1-29.

SECTION 22. [EFFECTIVE UPON PASSAGE] (a) As used in this SECTION, "account" means the motor vehicle highway account established in IC 8-14-1.

(b) The funds that remain on July 1, 2007 in the abandoned vehicle fund established by IC 9-22-1-28, as repealed by this act, shall be transferred to the account.

(c) This SECTION expires December 31, 2007.

SECTION 23. An emergency is declared for this act.

(Reference is to EHB 1425 as reprinted April 4, 2007.)

Austin, Chair	Heinold
Cherry	Simpson
House Conferees	Senate Conferees

Roll Call 509: yeas 47, nays 0. Report adopted.

CONFERENCE COMMITTEE REPORT

EHB 1767-1

Madam President: Your Conference Committee appointed to confer with a like committee from the House upon Engrossed Senate Amendments to Engrossed House Bill 1767 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the House recede from its dissent from all Senate amendments and that the House now concur in all Senate amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 6-1.1-10-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 16. (a) All or part of a building is exempt from property taxation if it is owned, occupied, and used by a person for educational, literary, scientific, religious, or charitable purposes.

(b) A building is exempt from property taxation if it is owned, occupied, and used by a town, city, township, or county for educational, literary, scientific, fraternal, or charitable purposes.

(c) A tract of land, including the campus and athletic grounds of an educational institution, is exempt from property taxation if:

- (1) a building that is exempt under subsection (a) or (b) is situated on it;
- (2) a parking lot or structure that serves a building referred to in subdivision (1) is situated on it; or
- (3) the tract:
 - (A) is owned by a nonprofit entity established for the purpose of retaining and preserving land and water for their natural characteristics;
 - (B) does not exceed five hundred (500) acres; and
 - (C) is not used by the nonprofit entity to make a profit.

(d) A tract of land is exempt from property taxation if:

- (1) it is purchased for the purpose of erecting a building that is to be owned, occupied, and used in such a manner that the building will be exempt under subsection (a) or (b); and
- (2) not more than ~~three (3)~~ four (4) years after the property is purchased, and for each year after the ~~three (3)~~ four (4) year period, the owner demonstrates substantial progress and active pursuit towards the erection of the intended building and use of the tract for the exempt purpose. To establish substantial progress and active pursuit under this subdivision, the owner must prove the existence of factors such as the following:

- (A) Organization of and activity by a building committee or other oversight group.
- (B) Completion and filing of building plans with the appropriate local government authority.
- (C) Cash reserves dedicated to the project of a sufficient amount to lead a reasonable individual to believe the actual construction can and will begin within ~~three (3)~~ four (4) years.
- (D) The breaking of ground and the beginning of actual construction.
- (E) Any other factor that would lead a reasonable individual to believe that construction of the building is an active plan and that the building is capable of being completed within ~~six (6)~~ eight (8) years considering the circumstances of the owner.

If the owner of the property sells, leases, or otherwise transfers a tract of land that is exempt under this subsection, the owner is liable for the property taxes that were not imposed upon the tract of land during the period beginning January 1 of the fourth year following the purchase of the property and ending on December 31 of the year of the sale, lease, or transfer. The county auditor of the county in which the tract of land is located may establish an installment plan for the repayment of taxes due under this subsection. The plan established by the county auditor may allow the repayment of the taxes over a period of years equal to the number of years for which property taxes must be repaid under this subsection.

(e) Personal property is exempt from property taxation if it is owned and used in such a manner that it would be exempt under subsection (a) or (b) if it were a building.

(f) A hospital's property that is exempt from property taxation under subsection (a), (b), or (e) shall remain exempt from property

taxation even if the property is used in part to furnish goods or services to another hospital whose property qualifies for exemption under this section.

(g) Property owned by a shared hospital services organization that is exempt from federal income taxation under Section 501(c)(3) or 501(e) of the Internal Revenue Code is exempt from property taxation if it is owned, occupied, and used exclusively to furnish goods or services to a hospital whose property is exempt from property taxation under subsection (a), (b), or (c).

(h) This section does not exempt from property tax an office or a practice of a physician or group of physicians that is owned by a hospital licensed under IC 16-21-1 or other property that is not substantially related to or supportive of the inpatient facility of the hospital unless the office, practice, or other property:

- (1) provides or supports the provision of charity care (as defined in IC 16-18-2-52.5), including providing funds or other financial support for health care services for individuals who are indigent (as defined in IC 16-18-2-52.5(b) and IC 16-18-2-52.5(c)); or
- (2) provides or supports the provision of community benefits (as defined in IC 16-21-9-1), including research, education, or government sponsored indigent health care (as defined in IC 16-21-9-2).

However, participation in the Medicaid or Medicare program alone does not entitle an office, practice, or other property described in this subsection to an exemption under this section.

(i) A tract of land or a tract of land plus all or part of a structure on the land is exempt from property taxation if:

- (1) the tract is acquired for the purpose of erecting, renovating, or improving a single family residential structure that is to be given away or sold:
 - (A) in a charitable manner;
 - (B) by a nonprofit organization; and
 - (C) to low income individuals who will:
 - (i) use the land as a family residence; and
 - (ii) not have an exemption for the land under this section;

- (2) the tract does not exceed three (3) acres;
- (3) the tract of land or the tract of land plus all or part of a structure on the land is not used for profit while exempt under this section; and
- (4) not more than ~~three (3)~~ **four (4)** years after the property is acquired for the purpose described in subdivision (1), and for each year after the ~~three (3)~~ **four (4)** year period, the owner demonstrates substantial progress and active pursuit towards the erection, renovation, or improvement of the intended structure. To establish substantial progress and active pursuit under this subdivision, the owner must prove the existence of factors such as the following:

- (A) Organization of and activity by a building committee or other oversight group.
- (B) Completion and filing of building plans with the appropriate local government authority.
- (C) Cash reserves dedicated to the project of a sufficient amount to lead a reasonable individual to believe the actual construction can and will begin within ~~six (6)~~ **five (5)** years of the initial exemption received under this subsection.

(D) The breaking of ground and the beginning of actual construction.

(E) Any other factor that would lead a reasonable individual to believe that construction of the structure is an active plan and that the structure is capable of being:

- (i) completed; and
 - (ii) transferred to a low income individual who does not receive an exemption under this section;
- within ~~six (6)~~ **eight (8)** years considering the circumstances of the owner.

(j) An exemption under subsection (i) terminates when the property is conveyed by the nonprofit organization to another owner. When the property is conveyed to another owner, the nonprofit organization receiving the exemption must file a certified statement with the auditor of the county, notifying the auditor of the change not later than sixty (60) days after the date of the conveyance. The county auditor shall immediately forward a copy of the certified statement to the county assessor. A nonprofit organization that fails to file the statement required by this subsection is liable for the amount of property taxes due on the property conveyed if it were not for the exemption allowed under this chapter.

(k) If property is granted an exemption in any year under subsection (i) and the owner:

- (1) ceases to be eligible for the exemption under subsection (i)(4);
- (2) fails to transfer the tangible property within ~~six (6)~~ **eight (8)** years after the assessment date for which the exemption is initially granted; or
- (3) transfers the tangible property to a person who:
 - (A) is not a low income individual; or
 - (B) does not use the transferred property as a residence for at least one (1) year after the property is transferred;

the person receiving the exemption shall notify the county recorder and the county auditor of the county in which the property is located not later than sixty (60) days after the event described in subdivision (1), (2), or (3) occurs. The county auditor shall immediately inform the county assessor of a notification received under this subsection.

(l) If subsection (k)(1), (k)(2), or (k)(3) applies, the owner shall pay, not later than the date that the next installment of property taxes is due, an amount equal to the sum of the following:

- (1) The total property taxes that, if it were not for the exemption under subsection (i), would have been levied on the property in each year in which an exemption was allowed.
- (2) Interest on the property taxes at the rate of ten percent (10%) per year.

(m) The liability imposed by subsection (l) is a lien upon the property receiving the exemption under subsection (i). An amount collected under subsection (l) shall be collected as an excess levy. If the amount is not paid, it shall be collected in the same manner that delinquent taxes on real property are collected.

(n) Property referred to in this section shall be assessed to the extent required under IC 6-1.1-11-9.

SECTION 2. IC 6-1.1-18.5-13, AS AMENDED BY P.L.154-2006, SECTION 47, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 13. With respect to an appeal filed under section 12 of this chapter, the local

government tax control board may recommend that a civil taxing unit receive any one (1) or more of the following types of relief:

(1) Permission to the civil taxing unit to increase its levy in excess of the limitations established under section 3 of this chapter, if in the judgment of the local government tax control board the increase is reasonably necessary due to increased costs of the civil taxing unit resulting from annexation, consolidation, or other extensions of governmental services by the civil taxing unit to additional geographic areas or persons.

(2) Permission to the civil taxing unit to increase its levy in excess of the limitations established under section 3 of this chapter, if the local government tax control board finds that the civil taxing unit needs the increase to meet the civil taxing unit's share of the costs of operating a court established by statute enacted after December 31, 1973. Before recommending such an increase, the local government tax control board shall consider all other revenues available to the civil taxing unit that could be applied for that purpose. The maximum aggregate levy increases that the local government tax control board may recommend for a particular court equals the civil taxing unit's estimate of the unit's share of the costs of operating a court for the first full calendar year in which it is in existence. For purposes of this subdivision, costs of operating a court include:

- (A) the cost of personal services (including fringe benefits);
- (B) the cost of supplies; and
- (C) any other cost directly related to the operation of the court.

(3) Permission to the civil taxing unit to increase its levy in excess of the limitations established under section 3 of this chapter, if the local government tax control board finds that the quotient determined under STEP SIX of the following formula is equal to or greater than one and two-hundredths (1.02):

STEP ONE: Determine the three (3) calendar years that most immediately precede the ensuing calendar year and in which a statewide general reassessment of real property **or the initial annual adjustment of the assessed value of real property under IC 6-1.1-4-4.5** does not first become effective.

STEP TWO: Compute separately, for each of the calendar years determined in STEP ONE, the quotient (rounded to the nearest ten-thousandth (0.0001)) of the sum of the civil taxing unit's total assessed value of all taxable property and the total assessed value of property tax deductions in the unit under IC 6-1.1-12-41 or IC 6-1.1-12-42 in the particular calendar year, divided by the sum of the civil taxing unit's total assessed value of all taxable property and the total assessed value of property tax deductions in the unit under IC 6-1.1-12-41 or IC 6-1.1-12-42 in the calendar year immediately preceding the particular calendar year.

STEP THREE: Divide the sum of the three (3) quotients computed in STEP TWO by three (3).

STEP FOUR: Compute separately, for each of the calendar years determined in STEP ONE, the quotient (rounded to the nearest ten-thousandth (0.0001)) of the sum of the total

assessed value of all taxable property in all counties and the total assessed value of property tax deductions in all counties under IC 6-1.1-12-41 or IC 6-1.1-12-42 in the particular calendar year, divided by the sum of the total assessed value of all taxable property in all counties and the total assessed value of property tax deductions in all counties under IC 6-1.1-12-41 or IC 6-1.1-12-42 in the calendar year immediately preceding the particular calendar year.

STEP FIVE: Divide the sum of the three (3) quotients computed in STEP FOUR by three (3).

STEP SIX: Divide the STEP THREE amount by the STEP FIVE amount.

The civil taxing unit may increase its levy by a percentage not greater than the percentage by which the STEP THREE amount exceeds the percentage by which the civil taxing unit may increase its levy under section 3 of this chapter based on the assessed value growth quotient determined under section 2 of this chapter.

(4) Permission to the civil taxing unit to increase its levy in excess of the limitations established under section 3 of this chapter, if the local government tax control board finds that the civil taxing unit needs the increase to pay the costs of furnishing fire protection for the civil taxing unit through a volunteer fire department. For purposes of determining a township's need for an increased levy, the local government tax control board shall not consider the amount of money borrowed under IC 36-6-6-14 during the immediately preceding calendar year. However, any increase in the amount of the civil taxing unit's levy recommended by the local government tax control board under this subdivision for the ensuing calendar year may not exceed the lesser of:

(A) ten thousand dollars (\$10,000); or

(B) twenty percent (20%) of:

(i) the amount authorized for operating expenses of a volunteer fire department in the budget of the civil taxing unit for the immediately preceding calendar year; plus

(ii) the amount of any additional appropriations authorized during that calendar year for the civil taxing unit's use in paying operating expenses of a volunteer fire department under this chapter; minus

(iii) the amount of money borrowed under IC 36-6-6-14 during that calendar year for the civil taxing unit's use in paying operating expenses of a volunteer fire department.

(5) Permission to a civil taxing unit to increase its levy in excess of the limitations established under section 3 of this chapter in order to raise revenues for pension payments and contributions the civil taxing unit is required to make under IC 36-8. The maximum increase in a civil taxing unit's levy that may be recommended under this subdivision for an ensuing calendar year equals the amount, if any, by which the pension payments and contributions the civil taxing unit is required to make under IC 36-8 during the ensuing calendar year exceeds the product of one and one-tenth (1.1) multiplied by the pension payments and contributions made by the civil

taxing unit under IC 36-8 during the calendar year that immediately precedes the ensuing calendar year. For purposes of this subdivision, "pension payments and contributions made by a civil taxing unit" does not include that part of the payments or contributions that are funded by distributions made to a civil taxing unit by the state.

(6) Permission to increase its levy in excess of the limitations established under section 3 of this chapter if the local government tax control board finds that:

(A) the township's township assistance ad valorem property tax rate is less than one and sixty-seven hundredths cents (\$0.0167) per one hundred dollars (\$100) of assessed valuation; and

(B) the township needs the increase to meet the costs of providing township assistance under IC 12-20 and IC 12-30-4.

The maximum increase that the board may recommend for a township is the levy that would result from an increase in the township's township assistance ad valorem property tax rate of one and sixty-seven hundredths cents (\$0.0167) per one hundred dollars (\$100) of assessed valuation minus the township's ad valorem property tax rate per one hundred dollars (\$100) of assessed valuation before the increase.

(7) Permission to a civil taxing unit to increase its levy in excess of the limitations established under section 3 of this chapter if:

(A) the increase has been approved by the legislative body of the municipality with the largest population where the civil taxing unit provides public transportation services; and

(B) the local government tax control board finds that the civil taxing unit needs the increase to provide adequate public transportation services.

The local government tax control board shall consider tax rates and levies in civil taxing units of comparable population, and the effect (if any) of a loss of federal or other funds to the civil taxing unit that might have been used for public transportation purposes. However, the increase that the board may recommend under this subdivision for a civil taxing unit may not exceed the revenue that would be raised by the civil taxing unit based on a property tax rate of one cent (\$0.01) per one hundred dollars (\$100) of assessed valuation.

(8) Permission to a civil taxing unit to increase the unit's levy in excess of the limitations established under section 3 of this chapter if the local government tax control board finds that:

(A) the civil taxing unit is:

(i) a county having a population of more than one hundred forty-eight thousand (148,000) but less than one hundred seventy thousand (170,000);

(ii) a city having a population of more than fifty-five thousand (55,000) but less than fifty-nine thousand (59,000);

(iii) a city having a population of more than twenty-eight thousand seven hundred (28,700) but less than twenty-nine thousand (29,000);

(iv) a city having a population of more than fifteen thousand four hundred (15,400) but less than sixteen

thousand six hundred (16,600); or

(v) a city having a population of more than seven thousand (7,000) but less than seven thousand three hundred (7,300); and

(B) the increase is necessary to provide funding to undertake removal (as defined in IC 13-11-2-187) and remedial action (as defined in IC 13-11-2-185) relating to hazardous substances (as defined in IC 13-11-2-98) in solid waste disposal facilities or industrial sites in the civil taxing unit that have become a menace to the public health and welfare.

The maximum increase that the local government tax control board may recommend for such a civil taxing unit is the levy that would result from a property tax rate of six and sixty-seven hundredths cents (\$0.0667) for each one hundred dollars (\$100) of assessed valuation. For purposes of computing the ad valorem property tax levy limit imposed on a civil taxing unit under section 3 of this chapter, the civil taxing unit's ad valorem property tax levy for a particular year does not include that part of the levy imposed under this subdivision. In addition, a property tax increase permitted under this subdivision may be imposed for only two (2) calendar years.

(9) Permission for a county:

(A) having a population of more than eighty thousand (80,000) but less than ninety thousand (90,000) to increase the county's levy in excess of the limitations established under section 3 of this chapter, if the local government tax control board finds that the county needs the increase to meet the county's share of the costs of operating a jail or juvenile detention center, including expansion of the facility, if the jail or juvenile detention center is opened after December 31, 1991;

(B) that operates a county jail or juvenile detention center that is subject to an order that:

(i) was issued by a federal district court; and

(ii) has not been terminated;

(C) that operates a county jail that fails to meet:

(i) American Correctional Association Jail Construction Standards; and

(ii) Indiana jail operation standards adopted by the department of correction; or

(D) that operates a juvenile detention center that fails to meet standards equivalent to the standards described in clause (C) for the operation of juvenile detention centers.

Before recommending an increase, the local government tax control board shall consider all other revenues available to the county that could be applied for that purpose. An appeal for operating funds for a jail or a juvenile detention center shall be considered individually, if a jail and juvenile detention center are both opened in one (1) county. The maximum aggregate levy increases that the local government tax control board may recommend for a county equals the county's share of the costs of operating the jail or a juvenile detention center for the first full calendar year in which the jail or juvenile detention center is in operation.

(10) Permission for a township to increase its levy in excess of the limitations established under section 3 of this chapter, if the local government tax control board finds that the township needs the increase so that the property tax rate to pay the costs of furnishing fire protection for a township, or a portion of a township, enables the township to pay a fair and reasonable amount under a contract with the municipality that is furnishing the fire protection. However, for the first time an appeal is granted the resulting rate increase may not exceed fifty percent (50%) of the difference between the rate imposed for fire protection within the municipality that is providing the fire protection to the township and the township's rate. A township is required to appeal a second time for an increase under this subdivision if the township wants to further increase its rate. However, a township's rate may be increased to equal but may not exceed the rate that is used by the municipality. More than one (1) township served by the same municipality may use this appeal.

(11) Permission for a township to increase its levy in excess of the limitations established under section 3 of this chapter, if the local government tax control board finds that the township has been required, for the three (3) consecutive years preceding the year for which the appeal under this subdivision is to become effective, to borrow funds under IC 36-6-6-14 to furnish fire protection for the township or a part of the township. However, the maximum increase in a township's levy that may be allowed under this subdivision is the least of the amounts borrowed under IC 36-6-6-14 during the preceding three (3) calendar years. A township may elect to phase in an approved increase in its levy under this subdivision over a period not to exceed three (3) years. A particular township may appeal to increase its levy under this section not more frequently than every fourth calendar year.

(12) Permission to a city having a population of more than twenty-nine thousand (29,000) but less than thirty-one thousand (31,000) to increase its levy in excess of the limitations established under section 3 of this chapter if:

(A) an appeal was granted to the city under this section to reallocate property tax replacement credits under IC 6-3.5-1.1 in 1998, 1999, and 2000; and

(B) the increase has been approved by the legislative body of the city, and the legislative body of the city has by resolution determined that the increase is necessary to pay normal operating expenses.

The maximum amount of the increase is equal to the amount of property tax replacement credits under IC 6-3.5-1.1 that the city petitioned under this section to have reallocated in 2001 for a purpose other than property tax relief.

SECTION 3. [EFFECTIVE JANUARY 1, 2007 (RETROACTIVE)] (a) This SECTION applies to property that:

- (1) is located in Vermillion County;**
- (2) is used and owned by Ferguson Recreation Park, Inc.; and**
- (3) the auditor of Vermillion County, in a reversal of past county practice, determined to be not eligible for a property tax exemption under IC 6-1.1-10-16 for property taxes first due and payable in 2007.**

(b) Notwithstanding any other law, the auditor of Vermillion County shall:

(1) waive the 2006 determination of the county auditor; and

(2) grant the appropriate exemption.

(c) A property tax exemption granted under this SECTION applies to property taxes first due and payable in 2007.

(d) The general assembly finds that:

(1) the property described in this SECTION was previously determined by the auditor of Vermillion County to be eligible to receive a property tax exemption under IC 6-1.1-10-16;

(2) the interest of taxpayer fairness requires a restoration of the property tax exemptions for the property that have been denied for property taxes first due and payable in 2007; and

(3) the absence of other remedies for the taxpayers requires legislative action.

(e) This SECTION expires December 31, 2007.

SECTION 4. [EFFECTIVE JANUARY 1, 2007 (RETROACTIVE)] (a) This SECTION applies to property that:

(1) is located in Vermillion County;

(2) is used and owned by Blandford Sports Club;

(3) the auditor of Vermillion County, in a reversal of past county practice, determined to be not eligible for a property tax exemption under IC 6-1.1-10-16 for property taxes first due and payable in 2007; and

(4) was subject to a petition to the Indiana board of tax review that was denied by the Indiana board of tax review because the petitioner's Form 132 was untimely filed.

(b) Notwithstanding any other law, the auditor of the county in which the property described in subsection (a) is located shall:

(1) waive the 2006 determination of the county auditor;

(2) disregard the determination of the Indiana board of tax review; and

(3) grant the appropriate exemption.

(c) A property tax exemption granted under this SECTION applies to property taxes first due and payable in 2007.

(d) The general assembly finds that:

(1) the property described in this SECTION was previously determined by the auditor of Vermillion County to be eligible to receive a property tax exemption under IC 6-1.1-10-16;

(2) the interest of taxpayer fairness requires a restoration of the property tax exemptions for the property that have been denied for property taxes first due and payable in 2007; and

(3) the absence of other remedies for the taxpayers requires legislative action.

(e) This SECTION expires December 31, 2007.

SECTION 5. [EFFECTIVE JANUARY 1, 2007 (RETROACTIVE)] (a) This SECTION applies to property that:

(1) is located in Vermillion County;

(2) is used and owned by the Universal Young Men's Club; and

(3) the auditor of Vermillion County, in a reversal of past county practice, determined to be not eligible for a

property tax exemption under IC 6-1.1-10-16 for property taxes first due and payable in 2007.

(b) Notwithstanding any other law, the auditor of Vermillion County shall:

- (1) waive the 2006 determination of the county auditor; and
- (2) grant the appropriate exemption.

(c) A property tax exemption granted under this SECTION applies to property taxes first due and payable in 2007.

(d) The general assembly finds that:

- (1) the property described in this SECTION was previously determined by the auditor of Vermillion County to be eligible to receive a property tax exemption under IC 6-1.1-10-16;
- (2) the interest of taxpayer fairness requires a restoration of the property tax exemptions for the property that have been denied for property taxes first due and payable in 2007; and
- (3) the absence of other remedies for the taxpayers requires legislative action.

(e) This SECTION expires December 31, 2007.

SECTION 6. [EFFECTIVE JANUARY 1, 2007 (RETROACTIVE)] (a) This SECTION applies notwithstanding the following:

- (1) IC 6-1.1-3-7.5.
- (2) IC 6-1.1-10-31.1.
- (3) IC 6-1.1-11.
- (4) 50 IAC 4.2-2.
- (5) 50 IAC 4.2-3.
- (6) 50 IAC 4.2-11.
- (7) 50 IAC 4.2-12.
- (8) All of the following as in effect before being voided by IC 6-1.1-3-22:
 - (A) 50 IAC 4.3-2.
 - (B) 50 IAC 4.3-3.
 - (C) 50 IAC 4.3-11.
 - (D) 50 IAC 4.3-12.
- (9) 50 IAC 16.

(b) As used in this SECTION, "amended return" means an amended personal property tax return submitted for filing by a taxpayer after December 31, 2006, and before March 1, 2007, for the assessment dates.

(c) As used in this SECTION, "assessment dates" refers to assessment dates (as defined in IC 6-1.1-1-2(1)) in 2002, 2003, and 2004.

(d) As used in this SECTION, "return" refers to the personal property tax return required under IC 6-1.1-3-7.

(e) As used in this SECTION, "taxpayer" means a taxpayer that:

- (1) filed original returns under IC 6-1.1-3-7 for the assessment dates; and
- (2) submitted for filing amended returns for the assessment dates.

(f) The amended returns:

- (1) are allowed; and
- (2) are considered to have been timely filed.

(g) A taxpayer is entitled to the exemptions for tangible personal property claimed on:

(1) Schedule B of the amended returns; and

(2) the Form 103-W filed with the amended returns.

(h) Any notice of increased assessed value issued by a township assessor with respect to personal property that is the subject of an amended return is considered withdrawn and nullified.

(i) IC 6-1.1-37-7, IC 6-1.1-37-9, and IC 6-1.1-37-10 do not apply to any additional personal property taxes owed by a taxpayer as a result of filing an amended return.

(j) A taxpayer is not entitled to a refund with respect to any amended return filed by the taxpayer under this SECTION.

(k) This SECTION expires July 1, 2008.

SECTION 7. [EFFECTIVE JANUARY 1, 2001 (RETROACTIVE)] (a) The definitions in IC 6-1.1-1 apply to this SECTION.

(b) This SECTION applies only to an entity that meets all of the following conditions:

(1) The entity is:

- (A) a nonprofit corporation that is organized for educational, literary, scientific, religious, or charitable purposes; or
- (B) a local chapter of a nonprofit corporation referred to in clause (A).

(2) For the assessment date in a calendar year after 2000:

- (A) tangible property owned by the entity was, except for the entity's failure to timely file an application under IC 6-1.1-11 for property tax exemption, otherwise eligible for an exemption;
- (B) the entity failed to timely file an application under IC 6-1.1-11 for property tax exemption for the tangible property for the assessment date; and
- (C) the entity's tangible property was subject to taxation for the assessment date.

(3) The tangible property, or other property owned by the entity in the same county, was exempt from taxation in either:

- (A) the calendar year before the year containing the assessment date described in subdivision (2); or
- (B) the calendar year two (2) years before the year containing the assessment date described in subdivision (2).

(c) Notwithstanding any provision of IC 6-1.1-11 or any other law specifying the date by which an application for property tax exemption must be filed to claim an exemption for a particular assessment date, an entity described in subsection (b) may before January 1, 2008, file with the county assessor an application for property tax exemption for an assessment date described in subsection (b)(2).

(d) Notwithstanding any provision of IC 6-1.1-11 or any other law, an application for property tax exemption filed under subsection (c) is considered to be timely filed, and the county property tax assessment board of appeals shall grant an exemption claimed for the assessment date on the application upon the county property tax assessment board of appeals's determination that:

- (1) the entity's application for property tax exemption satisfies all other applicable requirements; and

(2) the entity's tangible property was, except for the failure to timely file an application for property tax exemption, otherwise eligible for the claimed exemption.

(e) If an entity has previously paid the tax liability for tangible property for an assessment date and the property is granted an exemption under this SECTION for that assessment date, the county auditor shall issue a refund of the property tax paid by the entity. An entity is not required to apply for any refund due under this SECTION. The county auditor shall, without an appropriation being required, issue a warrant to the entity payable from the county general fund for the amount of the refund, if any, due the entity. No interest is payable on the refund.

(f) This SECTION expires January 1, 2009.

SECTION 8. [EFFECTIVE UPON PASSAGE] IC 6-1.1-10-16, as amended by this act, applies only to property taxes first due and payable after 2007.

SECTION 9. An emergency is declared for this act.

(Reference is to EHB 1767 as printed March 30, 2007.)

V. Smith, Chair	Kenley
M. Smith	Rogers
House Conferees	Senate Conferees

Roll Call 510: yeas 47, nays 0. Report adopted.

CONFERENCE COMMITTEE REPORT ESB 125-1

Madam President: Your Conference Committee appointed to confer with a like committee from the House upon Engrossed House Amendments to Engrossed Senate Bill 125 respectfully reports that said two committees have conferred and agreed as follows to wit: that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning courts.

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 33-37-2-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. (a) Costs in a criminal action are not a part of the sentence and may ~~not~~ be suspended **only under section 3 of this chapter**. However, if:

(1) two (2) or more charges against a person are joined for trial; and

(2) the person is convicted of two (2) or more offenses in the trial;

the court may waive the person's liability for costs for all but one (1) of the offenses.

(b) If a person is acquitted or an indictment or information is dismissed by order of the court, the person is not liable for costs.

SECTION 2. IC 33-37-2-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 3. (a) **Except as provided in subsection (b)**, when the court imposes costs, it shall conduct a hearing to determine whether the convicted person is indigent. If the person is not indigent, the court shall order the person to pay:

(1) the entire amount of the costs at the time sentence is pronounced;

(2) the entire amount of the costs at some later date; or

(3) specified parts of the costs at designated intervals.

(b) A court may impose costs and suspend payment of all or part of the costs until the convicted person has completed all or part of the sentence. If the court suspends payment of the costs, the court shall conduct a hearing at the time the costs are due to determine whether the convicted person is indigent. If the convicted person is not indigent, the court shall order the convicted person to pay the costs:

(1) at the time the costs are due; or

(2) in a manner set forth in subsection (a)(2) through (a)(3).

(c) If a court suspends payment of costs under subsection (b), the court retains jurisdiction over the convicted person until the convicted person has paid the entire amount of the costs.

~~(b)~~ (d) Upon any default in the payment of the costs:

(1) an attorney representing the county may bring an action on a debt for the unpaid amount; ~~or~~

(2) the court may direct that the person, if the person is not indigent, be committed to the county jail and credited toward payment at the rate of twenty dollars (\$20) for each twenty-four (24) hour period the person is confined, until the amount paid plus the amount credited equals the entire amount due; **or**

(3) the court may institute contempt proceedings to enforce the court's order for payment of the costs.

~~(c)~~ (e) If, after a hearing under subsection (a) **or (b)**, the court determines that a convicted person is able to pay part of the costs of representation, the court shall order the person to pay an amount of not more than the cost of the defense services rendered on behalf of the person. The clerk shall deposit the amount paid by a convicted person under this subsection in the county's supplemental public defender services fund established under IC 33-40-3-1.

~~(d)~~ (f) A person ordered to pay part of the cost of representation under subsection ~~(c)~~ (e) has the same rights and protections as those of other judgment debtors under the Constitution of the State of Indiana and Indiana law.

SECTION 3. IC 33-37-5-15, AS AMENDED BY P.L.174-2006, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 15. (a) The sheriff shall collect a service of process fee of thirteen dollars (\$13) from a party requesting service of a writ, an order, a process, a notice, a tax warrant, or any other paper completed by the sheriff. **A service of process fee collected under this subsection may be collected only one (1) time per case for the duration of the case.**

(b) The sheriff shall collect from the person who filed the civil action a service of process fee of sixty dollars (\$60), in addition to any other fee for service of process, if:

(1) a person files a civil action outside Indiana; and

(2) a sheriff in Indiana is requested to perform a service of process associated with the civil action in Indiana.

(c) A sheriff shall transfer fees collected under this section to the county auditor of the county in which the sheriff has jurisdiction.

(d) The county auditor shall deposit fees collected under this section:

- (1) in the pension trust established by the county under IC 36-8-10-12; or
- (2) if the county has not established a pension trust under IC 36-8-10-12, in the county general fund.

SECTION 4. IC 35-38-1-18 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 18. (a) **Except as provided in subsection (b)**, whenever the court imposes a fine, it shall conduct a hearing to determine whether the convicted person is indigent. If the person is not indigent, the court shall order:

- (1) that the person pay the entire amount at the time sentence is pronounced;
- (2) that the person pay the entire amount at some later date;
- (3) that the person pay specified parts at designated intervals; or
- (4) at the request of the person, commitment of the person to the county jail for a period of time set by the court in lieu of a fine. If the court orders a person committed to jail under this subdivision, the person's total confinement for the crime that resulted in the conviction must not exceed the maximum term of imprisonment prescribed for the crime under IC 35-50-2 or IC 35-50-3.

(b) A court may impose a fine and suspend payment of all or part of the fine until the convicted person has completed all or part of the sentence. If the court suspends payment of the fine, the court shall conduct a hearing at the time the fine is due to determine whether the convicted person is indigent. If the convicted person is not indigent, the court shall order the convicted person to pay the fine:

- (1) at the time the fine is due; or**
- (2) in a manner set forth in subsection (a)(2) through (a)(4).**

(c) If a court suspends payment of a fine under subsection (b), the court retains jurisdiction over the convicted person until the convicted person has paid the entire amount of the fine.

~~(b)~~ (d) Upon any default in the payment of the fine:

- (1) an attorney representing the county may bring an action on a debt for the unpaid amount; or
- (2) the court may direct that the person, if the person is not indigent, be committed to the county jail and credited toward payment at the rate of twenty dollars (\$20) for each twenty-four (24) hour period the person is confined, until the amount paid plus the amount credited equals the entire amount due; or
- (3) the court may institute contempt proceedings or order the convicted person's wages, salary, and other income garnished in accordance with IC 24-4.5-5-105 to enforce the court's order for payment of the fine.**

SECTION 5. IC 35-38-2-3, AS AMENDED BY P.L.13-2005, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 3. (a) The court may revoke a person's probation if:

- (1) the person has violated a condition of probation during the probationary period; and
- (2) the petition to revoke probation is filed during the probationary period or before the earlier of the following:
 - (A) One (1) year after the termination of probation.
 - (B) Forty-five (45) days after the state receives notice of

the violation.

(b) When a petition is filed charging a violation of a condition of probation, the court may:

- (1) order a summons to be issued to the person to appear; or
- (2) order a warrant for the person's arrest if there is a risk of the person's fleeing the jurisdiction or causing harm to others.
- (c) The issuance of a summons or warrant tolls the period of probation until the final determination of the charge.
- (d) The court shall conduct a hearing concerning the alleged violation. The court may admit the person to bail pending the hearing.
- (e) The state must prove the violation by a preponderance of the evidence. The evidence shall be presented in open court. The person is entitled to confrontation, cross-examination, and representation by counsel.

(f) Probation may not be revoked for failure to comply with conditions of a sentence that imposes financial obligations on the person unless the person recklessly, knowingly, or intentionally fails to pay.

(g) If the court finds that the person has violated a condition at any time before termination of the period, and the petition to revoke is filed within the probationary period, the court may:

- (1) continue the person on probation, with or without modifying or enlarging the conditions;
- (2) extend the person's probationary period for not more than one (1) year beyond the original probationary period; or
- (3) order execution of all or part of the sentence that was suspended at the time of initial sentencing.

(h) If the court finds that the person has violated a condition of home detention at any time before termination of the period, and the petition to revoke probation is filed within the probationary period, the court shall:

- (1) order a sanction as set forth in subsection (g); and
- (2) provide credit for time served as set forth under IC 35-38-2.5-5.

(i) If the court finds that the person has violated a condition during any time before the termination of the period, and the petition is filed under subsection (a) after the probationary period has expired, the court may:

- (1) reinstate the person's probationary period, with or without enlarging the conditions, if the sum of the length of the original probationary period and the reinstated probationary period does not exceed the length of the maximum sentence allowable for the offense that is the basis of the probation; or
- (2) order execution of all or part of the sentence that was suspended at the time of the initial sentencing.

(j) If the court finds that the person has violated a condition of home detention during any time before termination of the period, and the petition is filed under subsection (a) after the probation period has expired, the court shall:

- (1) order a sanction as set forth in subsection (i); and
- (2) provide credit for time served as set forth under IC 35-38-2.5-5.

(k) A judgment revoking probation is a final appealable order.

(l) Failure to pay fines or costs required as a condition of probation may not be the sole basis for commitment to the department of correction.

(m) Failure to pay fees or costs assessed against a person under IC 33-40-3-6, ~~IC 33-37-2-3(c)~~, **IC 33-37-2-3(e)**, or IC 35-33-7-6 is not grounds for revocation of probation.

(Reference is to ESB 125 as reprinted March 27, 2007.)

Dillon, Chair

Kuzman

Lanane

Elrod

Senate Conferees

House Conferees

Roll Call 511: yeas 47, nays 0. Report adopted.

CONFERENCE COMMITTEE REPORT

ESB 193-1

Madam President: Your Conference Committee appointed to confer with a like committee from the House upon Engrossed House Amendments to Engrossed Senate Bill 193 respectfully reports that said two committees have conferred and agreed as follows to wit: that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. P.L.96-2006, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:
SECTION 2. (a) As used in this SECTION, "comprehensive care bed" means a bed that:

- (1) is licensed or is to be licensed under IC 16-28-2;
- (2) functions as a bed licensed under IC 16-28-2; or
- (3) is subject to IC 16-28.

The term does not include a comprehensive care bed that will be used solely to provide specialized services and that is subject to IC 16-29.

(b) As used in this SECTION, "replacement bed" means a comprehensive care bed that is relocated to a health facility that is licensed or is to be licensed under IC 16-28.

~~(b)~~ **(c)** This SECTION does not apply to the following:

- (1) A hospital licensed under IC 16-21-2 that in accordance with IC 16-29-3-1, as amended by this act, converts not more than:

(A) thirty (30) acute care beds to skilled care comprehensive long term care beds; and

(B) an additional twenty (20) acute care beds to either intermediate care comprehensive long term care beds or skilled care comprehensive long term care beds;

that are to be certified for participation in a state or federal reimbursement program, including a program under Title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) or the state Medicaid program, if those beds will function essentially as beds licensed under IC 16-28.

(2) A health facility licensed or to be licensed under IC 16-28 that is under development on June 30, 2006, to add, construct, or convert comprehensive care beds. In determining whether a health facility is under development on June 30, 2006, the state department shall consider:

(A) whether:

- (i) architectural plans have been completed;
- (ii) funding has been received;
- (iii) zoning requirements have been met; and

(iv) construction plans for the project have been approved by the state department and the division of fire and building safety; and

(B) any other evidence that the state department determines is an indication that the health facility is under development.

(3) A health facility that is licensed or is to be licensed under IC 16-28 and that adds, constructs, or converts a comprehensive care bed that is a replacement bed for an existing comprehensive care bed.

(4) A health facility that is licensed or is to be licensed under IC 16-28 and that applies to certify a comprehensive care bed for participation in a state reimbursement program, if the bed for which the health facility is seeking certification is a replacement bed for an existing certified comprehensive care bed.

(5) A continuing care retirement community required to file a disclosure statement under IC 23-2-4.

(6) One (1) health facility that is licensed or is to be licensed under IC 16-28 and that meets the following conditions:

(A) The health facility will add or construct not more than a total of twenty (20) comprehensive care beds.

(B) The director of the division of aging has determined that the health facility will provide an innovative and unique approach to the delivery of comprehensive care that incorporates residential accommodations in a small group setting offering a person centered culture.

~~(c)~~ **(d)** Comprehensive care beds may not be added or constructed in Indiana.

~~(d)~~ **(e)** Residential beds licensed under IC 16-28-2 and unlicensed beds may not be converted to comprehensive care beds.

~~(e)~~ **(f)** The Indiana health facilities council may not recommend and the state department of health may not approve the certification of new or converted comprehensive care beds for participation in a state reimbursement program, including the state Medicaid program.

(g) A health facility that:

(1) is licensed under IC 16-28; and

(2) has not, before May 1, 2007, filed a disclosure statement under IC 23-2-4 that is required of a continuing care retirement community;

may not convert to a continuing care retirement community or file the disclosure statement described in IC 23-2-4.

~~(f)~~ **(h)** This SECTION expires ~~June 30, 2007~~: **March 30, 2008.**

SECTION 2. [EFFECTIVE UPON PASSAGE] **(a) The health finance commission shall study the following topics:**

(1) Whether hospitals, including specialty hospitals, should be placed under a moratorium from adding or constructing new facilities.

(2) Whether specialty hospitals should be restricted from presenting their facilities to the public as a hospital.

(3) Whether the definition of the term "hospital" under IC 16-18-2-179 should be amended to include or exclude certain specialty health facilities.

(b) The health finance commission shall issue its recommendations concerning the topics studied under subsection (a) before November 1, 2007.

(c) This SECTION expires December 31, 2007.

SECTION 3. [EFFECTIVE UPON PASSAGE] **405 IAC 5-4-4 is void prospectively upon the date of passage of this act. The publisher of the Indiana Administrative Code and Indiana Register shall remove this section from the Indiana Administrative Code.**

SECTION 4. **An emergency is declared for this act.**

(Reference is to ESB 193 as printed March 27, 2007.)

Miller, Chair

C. Brown

Rogers

T. Brown

Senate Conferees

House Conferees

Roll Call 512: yeas 42, nays 6. Report adopted.

CONFERENCE COMMITTEE REPORT

ESB 247-1

Madam President: Your Conference Committee appointed to confer with a like committee from the House upon Engrossed House Amendments to Engrossed Senate Bill 247 respectfully reports that said two committees have conferred and agreed as follows to wit: that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following: SECTION 1. IC 9-13-2-49.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 49.5. "Electronic traffic ticket", for purposes of IC 9-30-3, has the meaning set forth in IC 9-30-3-2.5.**

SECTION 2. IC 9-24-12-3, AS AMENDED BY P.L.41-2006, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 3. Except as provided in section 11 of this chapter, a public passenger chauffeur's license issued under this article ~~after December 31, 1996~~, expires at midnight of the birthday of the holder that occurs ~~two (2)~~ **four (4)** years following the date of issuance.

SECTION 3. IC 9-29-9-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 5. The fee for a public passenger chauffeur's license issued under IC 9-24-5 is ~~four eight dollars (\$48)~~ **(\$8)**.

SECTION 4. IC 9-30-3-2.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 2.5. (a) As used in this chapter, "electronic traffic ticket" means:**

(1) a traffic information and summons; or

(2) a complaint and summons;

for traffic cases that is in an electronic format prescribed by the division of state court administration.

(b) An electronic traffic ticket may be referred to as an "e-citation".

SECTION 5. IC 9-30-3-5.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 5.3. In prescribing the contents of an electronic traffic ticket, the division of state court administration shall require the inclusion in an electronic traffic ticket of the contents required in an information and**

summons under section 6 of this chapter. The division of state court administration may modify the prescribed contents of an electronic traffic ticket as necessary for the ticket to be in an electronic format.

SECTION 6. IC 9-30-3-5.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 5.7. (a) When a law enforcement officer issues an electronic traffic ticket, the law enforcement officer:**

(1) may print the electronic traffic ticket at the site of the traffic violation; and

(2) shall inform the individual to whom the electronic traffic ticket has been issued and note on the electronic traffic ticket whether the individual must appear in court on a specific date at a specific time.

(b) An electronic traffic ticket issued under this chapter that bears a printed or digital signature of:

(1) the law enforcement officer who issued the electronic traffic ticket; and

(2) the prosecuting attorney, or a representative of the office of the prosecuting attorney, of the county in which the electronic traffic ticket was issued;

is admissible in a court proceeding as if the signatures referred to in subdivisions (1) and (2) were original signatures.

(c) A law enforcement officer who issues an electronic traffic ticket may transmit the electronic traffic ticket to the court electronically if the court and the electronic traffic ticket are in compliance with the administrative rules adopted by the supreme court.

(d) A law enforcement officer who issues an electronic traffic ticket shall indicate on the electronic traffic ticket whether the law enforcement officer served the person receiving the electronic traffic ticket.

(e) The electronic transmission of an electronic traffic ticket shall be considered by the court as an original certified copy of the traffic information and summons or complaint and summons. An electronic traffic ticket may be used:

(1) to notify the bureau of an Indiana resident who fails to:

(A) appear; or

(B) answer a traffic information and summons or complaint and summons;

(2) to notify the bureau of a defendant who is not an Indiana resident and who fails to:

(A) appear; or

(B) answer a traffic information and summons;

(3) to notify the bureau upon a final determination of a defendant's failure to appear; or

(4) as a record of a traffic case that an individual has been charged with a traffic offense when:

(A) the individual has been convicted;

(B) a judgment has been entered; or

(C) a finding has been made by a court.

SECTION 7. IC 9-30-3-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 6. (a) This section does not apply to electronic traffic tickets.**

(b) In traffic cases, the information and summons shall be in substantially the following form:

April 28, 2007

Senate 1389

In the _____ Court of _____ County
Cause No. _____ Docket No. _____
Page No. _____
State of Indiana

SS: _____ No. _____

County of _____

INFORMATION AND SUMMONS

The undersigned having probable cause to believe and being duly sworn upon his oath says that:

On the _____ Day of _____, 20 ____ at ____ M

Name _____

Last First Middle

Street _____

City _____ State _____ Zip Code _____

Race ____ Sex ____ Age ____ D.O.B. ____ HT ____ WT ____

Oper. Lic. # _____ St. _____ Did Unlawfully

Operate Veh. Color _____ Veh. Yr. _____ Veh. Make _____

Veh. Lic. Yr. _____ Veh. Lic. St. _____ Veh. Lic. # _____

Upon, (Location) _____

A PUBLIC STREET OR HIGHWAY IN _____
COUNTY, INDIANA, AND COMMIT, THE OFFENSE OF:

CONTRARY TO THE FORM OF THE () STATE STATUTE
() LOCAL ORDINANCE IN SUCH CASE MADE AND
PROVIDED.

OFFICER'S SIGNATURE _____

I.D. No. _____ Div. Dist. _____

POLICE AGENCY _____

Subscribed And Sworn to Before Me
(Deputy Clerk) _____

This _____ Day of _____, 20 ____

COURT APPEARANCE

I PROMISE TO APPEAR IN COURTROOM

ADDRESS: _____

ON _____ THE _____ DAY OF _____, 20 ____ AT
____ M. OR BE SUBJECT TO ARREST.

SIGNATURE _____

"YOUR SIGNATURE IS NOT AN ADMISSION OF GUILT"

The information and summons shall consist of four (4) parts:

(1) the original copy, printed on white paper, which shall be the abstract of court record for the Indiana bureau of motor vehicles;

(2) the court copy, printed on white paper;

(3) the police record, which shall be a copy of the information, printed on pink paper; and

(4) the summons copy, printed on white stock.

The reverse sides of the information and abstract of court record shall be substantially as follows, with such additions or deletions as are necessary to adapt the form to the court involved:

RECEIPT # _____

DATE _____

COURT ACTION AND OTHER ORDERS

BAIL \$ _____

REARREST BOND \$ _____ DATE _____

1. CONTINUANCE TO _____ 4. CONTINUANCE TO _____
2. CONTINUANCE TO _____ 5. CONTINUANCE TO _____
3. CONTINUANCE TO _____ 6. CONTINUANCE TO _____

Motions Date Ruling Date

1. _____

2. _____

3. _____

4. _____

PLEA () GUILTY

() NOT GUILTY

FINDING () GUILTY

() NOT GUILTY

THE COURT THEREFORE, ENTERS

THE FOLLOWING ORDER

FINE \$ _____ AMOUNT SUSP. \$ _____

(STATE) \$ _____

COSTS

(CITY) \$ _____

_____ DAYS IN _____ DAYS SUSP.

() RECOMMENDED LICENSE SUSPENDED FOR _____

() PROBATIONARY LICENSE AUTHORIZED FOR ONE
YEAR PROBATION

JUDGE: _____

DATE: _____

ATTORNEY FOR DEFENDANT _____

ADDRESS _____ TELEPHONE _____

WITNESSES

The notice, the appearance, the plea of either guilty or not guilty, and the waiver shall be printed on the summons. The trimmed size of the paper and stock on which the form is printed shall be nominally four and one quarter (4 1/4) inches by eight and one quarter (8 1/4) inches.

(b) (c) In civil traffic cases, the complaint and summons shall be in substantially the following form:

In the _____ Court of _____ County

Cause No. _____ Docket No. _____

Page No. _____

State of Indiana

SS: _____ No. _____

County of _____

COMPLAINT AND SUMMONS

The undersigned having probable cause to believe and being duly sworn upon his oath says that:

On the _____ Day of _____, 20 ____ at ____ M

Name _____

Last First Middle

Street _____

City _____ State _____ Zip Code _____

Race ____ Sex ____ Age ____ D.O.B. ____ HT ____ WT ____

Oper. Lic. # _____ St. _____ Did Unlawfully
 Operate Veh. Color _____ Veh. Yr. _____ Veh. Make _____
 Veh. Lic. Yr. _____ Veh. Lic. St. _____ Veh. Lic. # _____
 Upon, (Location) _____

A PUBLIC STREET OR HIGHWAY IN _____
 COUNTY, INDIANA, AND COMMIT, THE OFFENSE OF:

CONTRARY TO THE FORM OF THE () STATE STATUTE
 () LOCAL ORDINANCE IN SUCH CASE MADE AND
 PROVIDED.

OFFICER'S SIGNATURE _____
 I.D. No. _____ Div. Dist. _____
 POLICE AGENCY _____
 Subscribed And Sworn to Before Me
 (Deputy Clerk)

This _____ Day of _____, 20____
 COURT APPEARANCE

I PROMISE TO APPEAR IN _____
 COURTROOM _____

ADDRESS: _____

ON _____ THE _____ DAY OF _____, 20____

AT _____ M. OR BE SUBJECT TO ARREST.

SIGNATURE _____

"YOUR SIGNATURE IS NOT AN ADMISSION OF A
 VIOLATION"

The complaint and summons shall consist of four (4) parts:

- (1) the original copy, printed on white paper, which shall be the abstract of court record for the Indiana bureau of motor vehicles;
- (2) the court copy, printed on white paper;
- (3) the police record, which shall be a copy of the complaint, printed on pink paper; and
- (4) the summons copy, printed on white stock.

The reverse sides of the complaint and abstract of court record shall be substantially as follows, with such additions or deletions as are necessary to adapt the form to the court involved:

RECEIPT # _____

DATE _____

COURT ACTION AND OTHER ORDERS

BAIL \$ _____

REARREST BOND \$ _____ DATE _____

1. CONTINUANCE TO _____ 4. CONTINUANCE TO _____

2. CONTINUANCE TO _____ 5. CONTINUANCE TO _____

3. CONTINUANCE TO _____ 6. CONTINUANCE TO _____

Motions Date Ruling Date

1. _____

2. _____

3. _____

4. _____

PLEA () ADMIT

() DENY

() NOLO CONTENDERE

FINDING () JUDGMENT FOR PLAINTIFF

() JUDGMENT FOR DEFENDANT
 THE COURT THEREFORE, ENTERS
 THE FOLLOWING ORDER

FINE \$ _____ AMOUNT SUSP. \$ _____
 (STATE) \$ _____

COSTS

(CITY) \$ _____

() RECOMMENDED LICENSE SUSPENDED FOR _____
 () PROBATIONARY LICENSE AUTHORIZED FOR ONE
 YEAR PROBATION

JUDGE: _____

DATE: _____

ATTORNEY FOR DEFENDANT _____

ADDRESS _____ TELEPHONE _____

WITNESSES

The notice, appearance, plea of either admission, denial, or nolo contendere shall be printed on the summons. The trimmed size of the paper and stock on which the form is printed shall be nominally four and one quarter (4 1/4) inches by eight and one quarter (8 1/4) inches.

(~~e~~) (d) The complaint form shall be used in traffic cases, whether the charge is made by a law enforcement officer or by any other person.

(~~d~~) (e) Each judicial officer or police authority issuing traffic complaints and summons:

- (1) is responsible for the disposition of all the traffic complaints and summons issued under the authority of the officer or authority; and
- (2) shall prepare and submit the records and reports relating to the traffic complaints in the manner and at the time prescribed by both the state examiner of the state board of accounts and the bureau.

SECTION 8. IC 9-30-3-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 8. (a) The court may issue a warrant for the arrest of a defendant who is an Indiana resident and who fails to appear or answer a traffic information and summons or a complaint and summons served upon the defendant. If the warrant is not executed within thirty (30) days after issue, the court shall promptly forward the court copy of the traffic information and summons or complaint and summons to the bureau indicating that the defendant failed to appear in court as ordered. The court shall then mark the case as failure to appear on the court's records.

(b) If a defendant who is not an Indiana resident fails to appear or answer a traffic summons served upon the defendant and upon which the information or complaint has been filed thirty (30) days after the return date of the information and summons or complaint and summons, the court shall promptly forward the court copy of the traffic information and summons or complaint and summons to the bureau. The bureau shall notify the motor vehicle commission

of the state of the nonresident defendant of the defendant's failure to appear and also of any action taken by the bureau relative to the Indiana driving privileges of the defendant. If the defendant fails to appear or otherwise answer within thirty (30) days, the court shall mark the case as failure to appear on the court's records.

(c) If the bureau receives a copy of the traffic information and summons or complaint and summons for failure to appear in court **either on a form prescribed by the bureau or in an electronic format prescribed by the division of state court administration**, the bureau shall suspend the driving privileges of the defendant until the defendant appears in court and the case has been disposed of. The order of suspension may be served upon the defendant by mailing the order by first class mail to the defendant at the last address shown for the defendant in the records of the bureau. The order takes effect on the date the order is mailed.

(d) For nonresidents of Indiana, the order of suspension shall be mailed to the defendant at the address given to the arresting officer by the defendant as shown by the traffic information or complaint. The order takes effect on the date of mailing. A copy of the order shall also be sent to the motor vehicle bureau of the state of the nonresident defendant. If:

- (1) the defendant's failure to appear in court has been certified to the bureau under this chapter; and
- (2) the defendant subsequently appears in court to answer the charges against the defendant;

the court shall proceed to hear and determine the case in the same manner as other cases pending in the court. Upon final determination of the case, the court shall notify the bureau of the determination **either in an electronic format or** upon forms prescribed by the bureau. The notification shall be made by the court within ten (10) days after the final determination of the case, and **information from** the original copy of the traffic information and summons or complaint and summons must accompany the notification.

SECTION 9. IC 9-30-3-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 11. (a) Before accepting a plea of guilty to a misdemeanor traffic offense, the court shall inform the defendant of the defendant's rights, including the right to:

- (1) engage counsel;
- (2) a reasonable continuance to engage counsel to subpoena witnesses;
- (3) have process issued by the court, without expense to the defendant, to compel the attendance of witnesses in the defendant's behalf;
- (4) testify or not to testify in the defendant's own behalf;
- (5) a trial by jury; and
- (6) appeal.

(b) The court shall inform each defendant charged with a traffic offense other than a nonmoving traffic offense, if the defendant is convicted or judgment is entered against the defendant, that a record of the conviction or judgment will be sent to the bureau or the motor vehicle bureau of the state where the defendant received a license to drive to become a part of the defendant's driving record.

(c) The court shall keep a full record of every case in which a person is charged with a traffic offense other than a nonmoving traffic offense. Within ten (10) days after the conviction, judgment,

or forfeiture of security deposit of a person, the court shall forward a copy of the judgment **in an electronic format** or an abstract as prescribed by IC 9-25-6-8. The abstract comprises the original copy of the traffic information and summons or complaint and summons if the conviction, judgment, or forfeiture of security deposit has been entered on that copy. However, instead of the original copy, the court may, subject to the approval of the bureau, send the information **in an electronic format or** in the form of a chemical based, magnetic, or machine readable media. Records of nonmoving traffic offenses are not required to be forwarded to the bureau.

(d) One (1) year after the abstract has been forwarded, the court may destroy the remaining court copies of the information and summons or complaint and summons and related pleadings if an order book entry of the copy has been made and the original copy has been sent to the bureau of motor vehicles.

(e) Upon the failure of a court officer to comply with subsection (c), the officer is liable on the officer's official bond for a civil penalty of one hundred dollars (\$100) accruing to the state, which may be recovered, together with the costs of the suit, in a civil action brought by the attorney general in the name of the state on relation of the attorney general. Each failure by an officer constitutes a separate cause of action.

SECTION 10. **An emergency is declared for this act.**

(Reference is to ESB 247 as reprinted March 23, 2007.)

Merritt, Chair	Lawson
Mrvan	Duncan
Senate Conferees	House Conferees

Roll Call 513: yeas 48, nays 0. Report adopted.

CONFERENCE COMMITTEE REPORT

ESB 250-1

Madam President: Your Conference Committee appointed to confer with a like committee from the House upon Engrossed House Amendments to Engrossed Senate Bill 250 respectfully reports that said two committees have conferred and agreed as follows to wit: that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning agriculture and animals.

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 4-4-27-3, AS AMENDED BY P.L.1-2006, SECTION 48, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 3. (a) The director of the department of agriculture or the director's designee shall charge a fee of ten dollars (\$10) for each moisture testing device inspected from each inspection site under this chapter.

(b) All fees shall be deposited in the ~~state treasury~~ **grain buyers and warehouse licensing agency license fee fund established by IC 26-3-7-6.3.**

SECTION 2. IC 6-2.5-7-5.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 5.5. (a) Notwithstanding the limit on deductions in section 5(d) of this chapter, and only to**

the extent funds are available to reimburse the state as required under IC 15-4-10-24.5, a retail merchant is entitled to the deduction allowed under section 5(c) of this chapter.

(b) The department shall annually publish in the Indiana Register a notice of the amount of funds available for the reimbursement required under IC 15-4-10-24.5.

SECTION 3. IC 15-4-10-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1. This chapter applies to all kinds and varieties of corn ~~including seed corn~~; marketed or sold as corn by a producer in Indiana except sweet corn, ~~seed corn~~, and popcorn. As used in this chapter, "corn" does not include sweet corn, ~~seed corn~~, or popcorn.

SECTION 4. IC 15-4-10-3.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 3.5. As used in this chapter, "dean" refers to dean of the college of agriculture at Purdue University.

SECTION 5. IC 15-4-10-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 6. (a) As used in this chapter, "first purchaser" means a person who is engaged in Indiana in the business of buying ~~grain~~ corn from producers. The term refers to a person buying or otherwise acquiring corn from:

- (1) the producer of the corn; or
- (2) the Commodity Credit Corporation, if the corn is pledged as collateral for a loan issued under a price support loan program administered by the Commodity Credit Corporation.

(b) The term does not include a buyer of ~~grain~~ corn who buys less than ~~fifty thousand (50,000)~~ one hundred thousand (100,000) bushels of ~~grain~~ corn annually for the buyer's own use as seed or feed.

SECTION 6. IC 15-4-10-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 8. As used in this chapter, "marketing year" means the twelve (12) month period beginning ~~September~~ October 1 and ending the following ~~August~~ September 30.

SECTION 7. IC 15-4-10-10.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 10.5. As used in this chapter, "promotion" means:

- (1) communication directly with corn producers;
- (2) technical assistance; and
- (3) trade marketing activities;

to enhance the marketing opportunities of corn for corn products in domestic and foreign markets.

SECTION 8. IC 15-4-10-10.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 10.7. As used in this chapter, "research" means any type of study to advance the:

- (1) marketability;
- (2) production;
- (3) product development;
- (4) quality; or
- (5) functional or nutritional value;

of corn or corn products, including any research activity designed to identify and analyze barriers to domestic and foreign sales of corn or corn products.

SECTION 9. IC 15-4-10-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 12. (a) The Indiana corn marketing council is established. The council is a public body corporate and politic, and though it is separate from the state, the exercise by the council of its powers constitutes an essential governmental function. The council may sue and be sued and plead and be impleaded.

(b) The council shall be composed of ~~fifteen (15)~~ seventeen (17) voting and eight (8) ex officio, nonvoting members. The elected members from districts listed under section 16(a) of this chapter must be:

- (1) registered as voters in Indiana;
- (2) at least eighteen (18) years of age; and
- (3) producers.

(c) Each elected member of the council must reside in the district identified in section 16(a) of this chapter from which the member was elected.

(d) Each member of the council is entitled to reimbursement for traveling expenses and other expenses actually incurred in connection with the member's duties, as provided in the state travel policies and procedures established by the department of administration and approved by the state budget agency. However, council members are not entitled to any salary or per diem.

SECTION 10. IC 15-4-10-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 14. (a) If ~~an elected~~ a member of the council ~~elected or appointed under section 16(a), 16(b), 16(c), or 16(d) of this chapter~~ ceases to meet one (1) or more of the qualifications set forth in section 12(b) of this chapter, the member's term of office terminates and the member's office becomes vacant.

(b) When an elected council member's office becomes vacant before the expiration of the member's term of office, the council shall fill the vacancy by appointing a replacement member who meets the qualifications set forth in section 12(b) of this chapter. The appointee shall serve for the remainder of the unexpired term.

(c) When the office of a council member appointed under section ~~16(c)~~ 16(e), 16(g), or 16(h) of this chapter to represent first purchaser organizations becomes vacant before the expiration of the member's term of office, the ~~director dean~~ shall fill the vacancy by appointing a replacement member who represents a first purchaser organization: the group from which the member was originally appointed. The appointee shall serve for the remainder of the unexpired term.

(d) When an appointed council member's office representing the senate becomes vacant before the expiration of the member's term of office, the president pro tempore of the senate shall fill the vacancy by appointing a replacement member who represents the senate and is a member of the same political party as the appointed council member who vacated the office. When an appointed council member's office representing the house of representatives becomes vacant before the expiration of the member's term of office, the speaker of the house of representatives shall fill the vacancy by appointing a replacement member who represents the house of representatives and is a member of the same political party as the appointed council member who vacated the office: the office of a member appointed under section 16(f) of this chapter becomes vacant, the appointing authority who appointed the member

shall fill the vacancy. An appointee under this subsection shall serve for the remainder of the unexpired term.

SECTION 11. IC 15-4-10-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 15. (a) When necessary, the council may appoint individuals who hold offices of importance to the corn industry or have special expertise concerning that industry to participate in the work of the council. ~~but~~ These individuals may not participate in votes taken by the council **but are eligible for reimbursement for traveling expenses.**

(b) **A person appointed under this section serves a term of three (3) years.**

(c) **A person appointed under this section may not serve for more than three (3) consecutive full terms.**

SECTION 12. IC 15-4-10-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 16. (a) One (1) council member shall be elected from each of the following districts:

DISTRICT 1. The counties of Lake, Newton, Jasper, Benton, Porter, LaPorte, Starke, White, and Pulaski.

DISTRICT 2. The counties of St. Joseph, Elkhart, Marshall, Kosciusko, Fulton, Carroll, Cass, Miami, and Wabash.

DISTRICT 3. The counties of LaGrange, Steuben, Noble, Dekalb, Whitley, Allen, Huntington, Wells, and Adams.

DISTRICT 4. The counties of Montgomery, Fountain, Warren, Tippecanoe, Vermillion, Parke, Putnam, Vigo, Clay, and Owen.

DISTRICT 5. The counties of Clinton, Boone, Tipton, Howard, Grant, Hamilton, Madison, Hendricks, Marion, Hancock, Morgan, Johnson, Shelby, Rush, Bartholomew, and Decatur.

DISTRICT 6. The counties of Blackford, Jay, Delaware, Henry, Randolph, Wayne, Fayette, and Union.

DISTRICT 7. The counties of Sullivan, Greene, Knox, Daviess, Martin, Gibson, Pike, Dubois, Posey, Vanderburgh, Warrick, and Spencer.

DISTRICT 8. The counties of Monroe, Brown, Lawrence, Jackson, Orange, Washington, Perry, Crawford, Harrison, and Floyd.

DISTRICT 9. The counties of Franklin, Jennings, Jefferson, Ripley, Dearborn, Ohio, Clark, Switzerland, and Scott.

~~DISTRICT 10. All counties in Indiana.~~

(b) ~~The dean of the school of agriculture at Purdue University or the dean's designee shall serve as an ex officio member of the council.~~ **Six (6) council members shall be elected to represent all counties in Indiana.**

(c) **The dean shall appoint one (1) representative of the largest general farm organization in Indiana to serve as a member of the council.**

(d) **The dean shall appoint one (1) representative of the second largest general farm organization in Indiana to serve as a member of the council.**

~~(e)~~ (e) The director shall appoint two (2) representatives of first purchaser organizations to serve as **nonvoting** members of the council.

~~(f)~~ The president pro tempore of the senate shall appoint one (1) member of the senate to serve as a member of the council. The speaker of the house of representatives shall appoint one (1)

member of the house of representatives to serve as a member of the council. ~~(f)~~ **Four (4) members serve on the council, to be appointed as nonvoting members as follows:**

(1) **One (1) member appointed by the president pro tempore of the senate.**

(2) **One (1) member appointed by the minority leader of the senate.**

(3) **One (1) member appointed by the speaker of the house of representatives.**

(4) **One (1) member appointed by the minority leader of the house of representatives.**

The members appointed under this subsection are ex officio members of the council. These appointed members shall at all times be members of different political parties. Notwithstanding any other law, the members appointed under this section are entitled to receive the per diem of members of the general assembly for time spent in attendance at the meetings of the council. Per diem of these members shall be paid by the council upon approval of the director.

~~(g)~~ **The dean or the dean's designee shall serve as an ex officio, nonvoting member of the council.**

~~(h)~~ **The secretary of agriculture or the secretary's designee shall serve as an ex officio, nonvoting member of the council.**

SECTION 13. IC 15-4-10-17 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 17. An election of a council member shall be held in a district in the year in which the term of the district's council member is to expire. Between ~~April~~ **January 1** and ~~April~~ **March 15** of that year, the council shall notify the producers of the district of the impending election by publishing one (1) notice in a statewide agricultural publication and by making information available to the news media in the district.

SECTION 14. IC 15-4-10-18 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 18. (a) The ballot for the election of a district council member must bear the name of each producer who:

(1) meets the qualifications set forth in section 12(b) of this chapter; and

(2) files with the ~~director,~~ **council**, before June ~~16~~ **30** of the year of the election, a petition in support of candidacy signed by ten (10) other producers who reside in the district.

(b) The ~~director~~ **council** shall provide petition forms upon request and shall make forms available:

(1) at cooperative extension service offices located in the district; ~~The director shall determine the position of names on the ballot by drawing lots and shall provide the producers who have qualified to have their names on the ballot with advance notice of the time and place of the drawing; and~~

(2) via the council's Internet web site.

(c) **The council shall allow a producer to request a ballot through the council's Internet web site.**

~~(d)~~ (d) No names other than the names of the producers who have qualified under this subsection may be printed on the ballot by the director. ~~A name may not be written in on the ballot by a producer.~~ **council. All names on the ballot must be listed in alphabetical order based on the producer's surname.**

(e) **The council shall require that each producer who submits a ballot provides a separate attestation that the person is an eligible producer.**

SECTION 15. IC 15-4-10-19 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 19. (a) For the purposes of the election of a district council member, the ~~director~~ **council** shall provide an absentee ballot to every producer who:

(1) resides outside Indiana or expects to be absent from the district in which the producer resides on the day of the election; **and**

(2) requests an absentee ballot from the ~~director~~ **council** **not less than five (5) days and not more than thirty (30) days** before the election. ~~and~~

(3) ~~files with the director a notarized affidavit swearing or affirming that the producer is eligible to vote in the election.~~

(b) A producer's absentee ballot is not valid unless the ~~director~~ **council** receives the ballot ~~and the affidavit~~ from the producer at least two (2) ~~working~~ days before the election.

SECTION 16. IC 15-4-10-21 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 21. The election of a district council member shall be conducted by the council in August at voting places located within the district. The winner of an election takes office on the following ~~September~~ **October 1**.

SECTION 17. IC 15-4-10-22 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 22. (a) The council shall do the following:

(1) Elect a ~~chairman, vice chairman, president, vice president~~, secretary, treasurer, and other officers the council considers necessary.

(2) Employ personnel and contract for services that are necessary for the proper implementation of this chapter.

(3) Bond the treasurer and such other persons as necessary to ensure adequate protection of funds received and administered by the council.

(4) Authorize the expenditure of funds and the contracting of expenditures to conduct proper activities under this chapter.

(5) Annually establish priorities and prepare and approve a budget consistent with the estimated resources of the council and the scope of this chapter.

(6) Annually publish an activities ~~and financial~~ report **and audit** and present ~~this the~~ report **and audit** to the director, ~~the dean, and the legislative council. The report and audit must:~~

(A) **be sent to the legislative council in an electronic format under IC 5-14-6; and**

(B) **be available on the council's Internet web site.**

(7) Procure and evaluate data and information necessary for the proper implementation of this chapter.

(8) Formulate and execute assessment procedures and methods of collection.

(9) Receive and investigate, or cause to be investigated, complaints and violations of this chapter and take necessary action within its authority.

(10) **Adopt bylaws and operating procedures governing operations of the council.**

(11) **Keep accurate accounts of all receipts and disbursements of funds handled by the council and have the receipts and disbursements audited annually by a certified public accountant.**

(12) **Establish and maintain an Internet web site.**

~~(10)~~ **(13)** Take any other action necessary for the proper implementation of this chapter.

(b) ~~Seven (7)~~ **A majority of the voting members of the council constitutes a quorum. The affirmative votes of at least a majority of the quorum, and at least nine (9) affirmative votes,** are required for the council to take action.

SECTION 18. IC 15-4-10-23 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 23. (a) The council shall meet at least ~~once in each of the following periods:~~

(1) ~~January, February, and March.~~

(2) ~~April, May, and June.~~

(3) ~~July, August, and September.~~

(4) ~~October, November, and December.~~

three (3) times in each marketing year at the call of the president or at the request of two-thirds (2/3) of the members of the council.

(b) **The council shall comply with the requirements under IC 5-14-1.5 (open door law).**

SECTION 19. IC 15-4-10-24 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 24. (a) The council shall pay all expenses incurred under this chapter with money from the assessments remitted to the council under this chapter.

(b) The council may invest all money it receives under this chapter, including ~~assessments, gifts, and grants, any gifts or grants that are given for the express purpose of implementing this chapter, in any the same~~ way allowed by law for public funds.

(c) The council may expend money from assessments and from investment income not needed for expenses for the purpose of market development, **promotion, and research.**

(d) The council may not use money received, collected, or accrued under this chapter for any purpose other than the implementation of this chapter.

SECTION 20. IC 15-4-10-24.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 24.5. (a) The Indiana corn market development account is established within the state general fund for the ~~purpose~~ **purposes** of market development **and reimbursing the state for the E85 retail merchant deduction allowed under IC 6-2.5-7-5(d).** The account shall be administered by the council. The account consists of:

(1) assessments the council receives under this chapter;

(2) gifts; and

(3) grants.

(b) The expenses of administering this chapter shall be paid from money in the account. If the balance of the account is not more than five hundred thousand dollars (\$500,000) in a fiscal year, the council may expend not more than twenty-five percent (25%) of the balance for administrative expenses. If the account has a balance of more than five hundred thousand dollars (\$500,000) in a fiscal year, the council may spend an additional amount of not more than ten percent (10%) of the balance over five hundred thousand dollars (\$500,000) for administrative expenses.

(c) **Beginning on July 1, 2008, and on July 1 of each year thereafter, the budget agency shall transfer from the account an amount equal to the lesser of:**

(1) **twenty-five percent (25%) of the balance of the account on the immediately preceding June 30, before the deduction of any expenses under subsection (b); or**

(2) the sum of all retail merchant deductions allowed under IC 6-2.5-7-5(d), and IC 6-2.5-7-5.5, in the immediately preceding state fiscal year.

The amount transferred under this subsection shall be deposited in the same manner as state gross retail and use taxes are required to be deposited under IC 6-2.5-10-1.

(e) (d) The treasurer of state shall invest the money in the account not currently needed to meet the obligations of the account in the same manner as other public money may be invested. Interest that accrues from these investments shall be deposited in the account.

(d) (e) Money in the account at the end of a state fiscal year does not revert to the state general fund.

(e) Money in the account is continually appropriated to the council for purposes of this chapter.

SECTION 21. IC 15-4-10-26, AS AMENDED BY P.L.1-2006, SECTION 247, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 26. (a) An assessment of one-half cent (\$0.005) per bushel is permitted shall be collected on all corn sold in Indiana. The assessment may be imposed and collected on a quantity of corn only once and shall be collected by the first purchaser. if the producer exercises the option under subsection (b) to be included in the assessment. An assessment shall not be conducted on the producer without the producer's written consent. A buyer of corn who purchases more than one hundred thousand (100,000) bushels annually for the buyer's own use as seed or feed, is responsible only for collecting checkoff assessments on corn purchases made after the buyer exceeds the one hundred thousand (100,000) bushel threshold and becomes a first purchased under section 6(a) of this chapter. The rate of the assessment imposed by this section may be increased changed only by the general assembly.

(b) In conjunction with the producer's first settlement with the first purchaser following June 30, 2001, the first purchaser shall make available to the producer the forms granting the producer the option to be included in the assessment and inform the producer of the option to be included. If the producer desires to be included in the assessment, the producer shall complete and sign a form, in writing, indicating the producer's desire to be included in the assessment permitted by subsection (a). It is a producer's obligation to return enrollment forms to a first purchaser. The first purchaser shall keep a record of each producer's desire to be included in the assessment, as indicated on the completed forms. Forms completed by a producer shall remain in effect until repealed in writing by the producer and delivered to the first purchaser. The initial enrollment by producers who want to participate in the corn marketing program must occur from July 1, 2001, through August 31, 2001. Corn market development assessments collected by a first purchaser begin on September 15, 2001. A change in participation by a producer to be included in the assessment or to discontinue the assessment does not take effect until July 1 following the producer's election to change. The department of agriculture shall prescribe the forms to be used under this subsection and distribute the forms to the first purchaser prior to July 1, 2001. The council shall reimburse the department of agriculture for the costs of preparation and distribution of the forms required by this subsection from the funds the council receives under this chapter. Auditing fees collected from

this program and all other programs by the Indiana grain buyers and warehouse licensing agency revert to the office of agriculture account to cover administrative costs.

(c) If the producer indicates the desire to be included in the assessment permitted under subsection (a) by following the procedure described in subsection (b) The first purchaser of a quantity of corn shall deduct the assessment on the corn from the sum of money to be paid to the producer based on the sale of the corn. A first purchaser shall accumulate assessments collected under this subsection throughout each of the following periods:

(1) January, February, and March.

(2) April, May, and June.

(3) July, August, and September.

(4) October, November, and December.

(d) (c) At the end of each period, the first purchaser shall remit to the council all assessments collected during the period. A first purchaser who remits all assessments collected during a period within fifteen (15) thirty (30) days after the end of the period is entitled to retain three percent (3%) of the total of the assessments as a handling fee.

SECTION 22. IC 15-4-10-26.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 26.5. (a) If a producer has sold corn and the state assessment was deducted from the sale price of the corn, the producer may secure a refund equal to the amount deducted upon filing a written application.

(b) A producer's application for a refund under this section must be made to the council within one hundred eighty (180) days after the state assessment is deducted from the sale price of the producer's corn.

(c) The council shall provide application forms to a first purchaser for purposes of this section upon request and make application forms available on the council's Internet web site. Until July 1, 2009, a first purchaser shall provide an application form to each producer along with each settlement form that shows a deduction. After July 1, 2009, a first purchaser shall make application forms available in plain view at the first purchaser's place of business.

(d) Proof that an assessment has been deducted from the sale price of the producer's corn must be attached to each application for a refund submitted under this section by a producer. The proof that an assessment was deducted may be in the form of a duplicate or an original copy of the purchase invoice or settlement sheet from the first purchaser. The claim form and proof of assessment may be mailed or faxed to the council. The refund form must clearly state how to request a refund and the address where the form must be mailed or faxed.

(e) If a refund is due under this section, the council shall remit the refund to the producer not later than thirty (30) days after the date the producer's application and proof of assessment are received.

SECTION 23. IC 15-4-10-27 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 27. (a) A first purchaser shall keep detailed records of all assessments collected and remitted under this chapter for at least three (3) years.

(b) Upon request, a first purchaser shall supply the council with any information from records kept under subsection (a).

(c) The council may periodically audit a first purchaser's checkoff assessment and remittance records as kept under subsection (a). An audit must be conducted by a qualified public accountant of the council's choosing, and the costs of the audit shall be paid by the council.

SECTION 24. IC 15-4-10-30 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 30. (a) If a first purchaser fails to remit the assessments collected during a period defined in section 26 of this chapter within ~~forty-five (45)~~ **thirty (30)** days after the end of the period, the council shall contact the first purchaser and allow the first purchaser to present comments to the council concerning:

- (1) the status and amount of the assessments due; and
- (2) any reasons why the council should not bring legal action against the first purchaser.

(b) After allowing a first purchaser the opportunity to present comments, the council:

- (1) ~~shall may~~ adjust the amount of the assessments due, if the first purchaser's comments reveal that the council's figure is inaccurate; ~~and~~
- (2) may assess a penalty against the first purchaser; ~~of no more than ten percent (10%) of the amount of any assessments not remitted within forty-five (45) days after the end of the period.~~
- (3) shall:

(A) assess a fee for an unpaid assessment due the council, from a person responsible for remitting assessments, at the rate of two percent (2%) of the amount of the unpaid assessment each month, beginning with the day following the date the assessment is due under this subsection; and

(B) if there is any remaining amount due after the assessment of the fee under clause (A), assess a fee at the same rate on the corresponding day of each month thereafter until the entire amount of the unpaid assessment is paid;

(4) shall compute the amounts payable on unpaid assessments under this section monthly and include any unpaid late charges previously applied under this section; and

(5) shall determine the date of a payment for purposes of this subsection by the postmark applied to the remitting envelope.

(c) If a first purchaser fails to remit assessments after being allowed to present comments under subsection (a) or to pay any penalty assessed under subsection (b), the council may bring a civil action against the first purchaser in the circuit, superior, or municipal court of any county. The action shall be tried and a judgment rendered as in any other proceeding for the collection of a debt. In an action under this subsection, the council may obtain:

- (1) a judgment in the amount of all unremitted assessments and any unpaid penalty; and
- (2) an award of the costs of bringing the action.

SECTION 25. IC 15-4-10-32 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 32. (a) Proceeds of the checkoff assessment collected by the council under this chapter**

may not be used to influence legislation or governmental action or policy.

(b) Proceeds of the assessment collected under this chapter may be used to communicate information relating to the:

- (1) conduct;
- (2) implementation; or
- (3) results;

of promotion, research, and market development activities to appropriate government officials.

(c) After January 1, 2009, proceeds of the assessment collected under this chapter may be used for action designed to market corn or corn products directly to a foreign government or a political subdivision of a foreign government. However, not more than five percent (5%) of the annual amount collected may be used under this subsection.

SECTION 26. IC 15-4-10-33 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 33. (a) For the marketing year beginning October 1, 2009, if at least twenty-five percent (25%) of the assessment is refunded during the marketing year, the council shall:**

- (1) cease collecting the assessment on January 1 of the subsequent year;
- (2) maintain a sufficient amount of money to pay for any refunds requested by producers; and
- (3) request that the legislative council have legislation prepared to repeal the corn market law.

(b) If for the marketing year beginning October 1, 2009, less than twenty-five percent (25%) of the assessments are refunded, the council shall review the refunds for each year beginning with the marketing year beginning October 1, 2010. If refunds exceed twenty-five percent (25%) in two (2) consecutive marketing years, the council shall:

- (1) cease collecting the assessment on the subsequent January 1 on the subsequent year;
- (2) maintain a sufficient amount of money to pay for any refunds requested by producers; and
- (3) request that the legislative council have legislation prepared to repeal the corn market law.

(c) The dean and the council shall report to the legislative council the amounts collected and refunded. The report to the legislative council must be in an electronic format under IC 5-14-6.

SECTION 27. IC 15-4-10-34 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 34. The checkoff assessment and remittance record form must:**

- (1) be in a format that allows a corn producer to submit the same form for an assessment refund;
- (2) contain the address and fax number of where the assessment refund form may be sent;
- (3) contain information concerning procedures to claim an assessment refund; and
- (4) contain any other information determined necessary by the council.

SECTION 28. IC 26-3-7-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 6. (a) The agency may issue the following licenses:

- (1) A grain bank license may be issued to a person that:
 - (A) stores only grain bank grain;
 - (B) has a storage capacity of not more than fifty thousand (50,000) bushels of grain; and
 - (C) purchases less than fifty thousand (50,000) bushels of grain per year.
- (2) A warehouse license may be issued to a person that:
 - (A) stores grain for hire; and
 - (B) purchases less than fifty thousand (50,000) bushels of grain per year.
- (3) A grain buyer license may be issued to a person that:
 - (A) purchases annually at least fifty thousand (50,000) bushels of grain that are not for the sole purpose of feeding the person's own livestock or poultry;
 - (B) does not store grain for hire; and
 - (C) offers deferred pricing, delayed payments, or contracts linked to the commodity futures or commodity options market in connection with grain purchases.
- (4) A buyer-warehouse license may be issued to a person that operates both as a warehouse and as a grain buyer.
- (b) An applicant shall file with the director a separate application for each license or amendment of a license at the times, on the forms, and containing the information that the director prescribes.

(c) An initial application for a license must be accompanied by a license fee as follows:

- (1) For a grain bank or for a warehouse or buyer-warehouse with a storage capacity of less than two hundred fifty thousand (250,000) bushels, two hundred fifty dollars (\$250) for the first facility and fifty dollars (\$50) for each additional facility.
- (2) For a warehouse or a buyer-warehouse with a storage capacity of at least two hundred fifty thousand (250,000) bushels but less than one million (1,000,000) bushels, five hundred dollars (\$500) for the first facility and fifty dollars (\$50) for each additional facility.
- (3) For a warehouse or a buyer-warehouse with a storage capacity of at least one million (1,000,000) bushels but less than ten million (10,000,000) bushels, seven hundred fifty dollars (\$750) for the first facility and fifty dollars (\$50) for each additional facility.
- (4) For a warehouse or buyer-warehouse with a storage capacity greater than ten million (10,000,000) bushels, one thousand dollars (\$1,000) for the first facility and fifty dollars (\$50) for each additional facility.
- (5) For a grain buyer, including a grain buyer that is also licensed as a warehouse under the warehouse act, five hundred dollars (\$500) for the first facility and fifty dollars (\$50) for each additional facility.

The director may prorate the initial application fee for a license that is issued at least thirty (30) days after the anniversary date of the licensee's business.

(d) Before the anniversary date of the license, the licensee shall pay an annual fee in an amount equal to the amount required under subsection (c).

(e) A licensee or an applicant for an initial license must have a minimum current asset to current liability ratio of one to one (1:1) or better.

(f) An applicant for an initial license shall submit with the person's application a review level financial statement or better financial statement that reflects the applicant's financial situation on a date not more than fifteen (15) months before the date on which the application is submitted. Not more than ninety (90) days after the end of a licensee's fiscal year, the licensee shall file with the agency a current review level financial statement or better financial statement that reflects the licensee's financial situation for the fiscal year just ended. A financial statement submitted under this section must:

- (1) be prepared by an independent accountant certified under IC 25-2.1;
- (2) comply with generally accepted accounting principles; and
- (3) contain:
 - (A) an income statement;
 - (B) a balance sheet;
 - (C) a statement of cash flow;
 - (D) a statement of retained earnings;
 - (E) the preparer's notes; and
 - (F) other information the agency may require.

The director may adopt rules under IC 4-22-2 to allow the agency to accept other substantial supporting documents instead of those listed to determine the financial solvency of the applicant if the director determines that providing the listed documents creates a financial or other hardship on the applicant or licensee.

(g) An application for a license implies a consent to be inspected.

(h) A person that:

- (1) does not operate a facility used to store grain for hire;
- (2) purchases:
 - (A) less than fifty thousand (50,000) bushels of grain per year; or
 - (B) only grain used for the production of the person's own livestock or poultry; and
- (3) does not purchase grain by:
 - (A) offering deferred pricing;
 - (B) offering delayed payment; or
 - (C) offering other contracts;
 that are linked to the commodity futures or commodity options market;

is not required to be licensed.

(i) Fees collected under this section shall be deposited in the grain buyers and warehouse licensing agency license fee fund established by section 6.3 of this chapter.

SECTION 29. IC 26-3-7-6.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 6.3. (a) The grain buyers and warehouse licensing agency license fee fund is established to provide funds for the administration of this chapter. The fund shall be administered by the agency. The fund consists of:**

- (1) the moisture testing device inspection fees collected under IC 4-4-27-3;**
- (2) the licensing fees collected under section 6 of this chapter;**
- (3) gifts and bequests; and**
- (4) appropriations made by the general assembly.**

(b) Expenses of administering the fund shall be paid from money in the fund.

(c) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public money may be invested. Interest that accrues from these investments shall be deposited in the fund.

(d) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

SECTION 30. [EFFECTIVE JULY 1, 2007] **IC 6-2.5-7-5.5, as added by this act, applies to reporting periods ending after June 30, 2007.**

SECTION 31. [EFFECTIVE JULY 1, 2007] (a) The definitions in IC 15-4-10 apply to this SECTION.

(b) Money in the Indiana corn market development account under IC 15-4-10-24.5 shall be used to pay for the administrative costs of the requirements under IC 15-4-10, as amended by this act. However, if the money in the Indiana corn market development account is insufficient to pay for the administrative costs, the council may borrow funds to pay for the administrative costs.

(c) Before September 1, 2007, the council shall prepare and deliver all necessary forms concerning assessment refunds and information concerning the operation of the program to all first purchasers.

(d) This SECTION expires July 1, 2008.

SECTION 32. [EFFECTIVE JULY 1, 2007] (a) The definitions in IC 15-4-10 apply to this SECTION.

(b) Notwithstanding IC 15-4-10-15(b), as amended by this act, the three (3) year term limit begins for individuals appointed by the council after July 1, 2007.

(c) This SECTION expires July 1, 2010.

(Reference is to ESB 250 as reprinted April 10, 2007.)

Gard, Chair	Grubb
R. Young	Gutwein
Senate Conferees	House Conferees

Roll Call 514: yeas 38, nays 10. Report adopted.

CONFERENCE COMMITTEE REPORT

ESB 270-1

Madam President: Your Conference Committee appointed to confer with a like committee from the House upon Engrossed House Amendments to Engrossed Senate Bill 270 respectfully reports that said two committees have conferred and agreed as follows to wit: that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 6-2.5-7-5, AS AMENDED BY P.L.122-2006, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 5. (a) Each retail merchant who dispenses gasoline or special fuel from a metered pump shall, in the manner prescribed in IC 6-2.5-6, report to the department the following information:

(1) The total number of gallons of gasoline sold from a metered pump during the period covered by the report.

(2) The total amount of money received from the sale of gasoline described in subdivision (1) during the period covered by the report.

(3) That portion of the amount described in subdivision (2) which represents state and federal taxes imposed under this article, IC 6-6-1.1, or Section 4081 of the Internal Revenue Code.

(4) The total number of gallons of special fuel sold from a metered pump during the period covered by the report.

(5) The total amount of money received from the sale of special fuel during the period covered by the report.

(6) That portion of the amount described in subdivision (5) that represents state and federal taxes imposed under this article, IC 6-6-2.5, or Section 4041 of the Internal Revenue Code.

(7) The total number of gallons of E85 sold from a metered pump during the period covered by the report.

(b) Concurrently with filing the report, the retail merchant shall remit the state gross retail tax in an amount which equals five and sixty-six hundredths percent (5.66%) of the gross receipts, including state gross retail taxes but excluding Indiana and federal gasoline and special fuel taxes, received by the retail merchant from the sale of the gasoline and special fuel that is covered by the report and on which the retail merchant was required to collect state gross retail tax. The retail merchant shall remit that amount regardless of the amount of state gross retail tax which he has actually collected under this chapter. However, the retail merchant is entitled to deduct and retain the amounts prescribed in subsection (c), IC 6-2.5-6-10, and IC 6-2.5-6-11.

(c) A retail merchant is entitled to deduct from the amount of state gross retail tax required to be remitted under subsection (b) the amount determined under STEP THREE of the following formula:

STEP ONE: Determine:

(A) the sum of the prepayment amounts made during the period covered by the retail merchant's report; minus

(B) the sum of prepayment amounts collected by the retail merchant, in the merchant's capacity as a qualified distributor, during the period covered by the retail merchant's report.

STEP TWO: Subject to subsection (d), for reporting periods ending before July 1, ~~2008~~, **2020**, determine the product of:

(A) ~~ten eighteen cents (\$0.10); (\$0.18)~~; multiplied by
(B) the number of gallons of E85 sold at retail by the retail merchant during the period covered by the retail merchant's report.

STEP THREE: Add the amounts determined under STEPS ONE and TWO.

For purposes of this section, a prepayment of the gross retail tax is presumed to occur on the date on which it is invoiced.

(d) The total amount of deductions allowed under subsection (c) STEP TWO may not exceed ~~two one million dollars (\$2,000,000)~~ **(\$1,000,000)** for all retail merchants in all reporting periods. A retail merchant is not required to apply for an allocation of deductions under subsection (c) STEP TWO. If the department determines that the sum of:

(1) the deductions that would otherwise be reported under subsection (c) STEP TWO for a reporting period; plus

(2) the total amount of deductions granted under subsection (c) STEP TWO in all preceding reporting periods; will exceed ~~two one~~ million dollars (~~\$2,000,000~~); **(\$1,000,000)**, the department shall publish in the Indiana Register a notice that the deduction program under subsection (c) STEP TWO is terminated after the date specified in the notice and that no additional deductions will be granted for retail transactions occurring after the date specified in the notice.

SECTION 2. IC 8-14-2-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 4. (a) The auditor of state shall establish a special account to be called the "local road and street account" and credit this account monthly with forty-five percent (45%) of the money deposited in the highway, road and street fund.

(b) The auditor shall distribute to units of local government money from this account each month. **Before making any other distributions under this chapter, the auditor shall distribute E85 incentive payments to all political subdivisions entitled to a payment under section 8 of this chapter.**

(c) **After distributing E85 incentive payments required under section 8 of this chapter,** the auditor of state shall allocate to each county the **remaining** money in this account on the basis of the ratio of each county's passenger car registrations to the total passenger car registrations of the state. The auditor shall further determine the suballocation between the county and the cities within the county as follows:

(1) In counties having a population of more than fifty thousand (50,000), sixty percent (60%) of the money shall be distributed on the basis of the population of the city or town as a percentage of the total population of the county and forty percent (40%) distributed on the basis of the ratio of city and town street mileage to county road mileage.

(2) In counties having a population of fifty thousand (50,000) or less, twenty percent (20%) of the money shall be distributed on the basis of the population of the city or town as a percentage of the total population of the county and eighty percent (80%) distributed on the basis of the ratio of city and town street mileage to county road mileage.

(3) For the purposes of allocating funds as provided in this section, towns which become incorporated as a town between the effective dates of decennial censuses shall be eligible for allocations upon the effectiveness of a corrected population count for the town under IC 1-1-3.5.

(4) Money allocated under the provisions of this section to counties containing a consolidated city shall be credited or allocated to the department of transportation of the consolidated city.

(d) Each month the auditor of state shall inform the department of the amounts allocated to each unit of local government from the local road and street account.

SECTION 3. IC 8-14-2-8 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 8. (a) As used in this section, "administrator" has the meaning set forth in IC 6-6-1.1-103(a).

(b) As used in this section, "E85" has the meaning set forth in IC 6-6-1.1-103(s).

(c) As used in this section, "qualified motor vehicle" means a motor vehicle that may be fueled by E85.

(d) A political subdivision is entitled to a monthly E85 incentive payment under this section if at least seventy-five percent (75%) of the motor fuel purchased by the political subdivision in the preceding calendar month for use in the political subdivision's qualified motor vehicles was E85.

(e) Subject to subsection (i), the amount of a monthly E85 incentive payment to which a political subdivision is entitled under this section is equal to:

(1) the total number of qualified motor vehicles owned by the political subdivision; multiplied by

(2) thirty-three dollars and thirty-three cents (\$33.33).

(f) To claim an E85 incentive payment under this section, the fiscal officer of a political subdivision must present to the auditor of state a statement that:

(1) contains a written verification that the incentive payment claim is made under penalties of perjury; and

(2) sets forth:

(A) the total number of qualified motor vehicles owned by the political subdivision;

(B) the total amount of E85 purchased by the political subdivision in the preceding calendar month for use in each qualified motor vehicle described in clause (A); and

(C) the total amount of motor fuel purchased for use in each qualified motor vehicle described in clause (A).

(g) The auditor of state may request the administrator to make investigations the auditor of state considers necessary before issuing an E85 incentive payment under this section. The administrator shall provide any assistance requested under this section. Upon the request of the administrator, a political subdivision shall furnish to the administrator sufficient documentation to prove the validity of the information presented under subsection (f).

(h) If an E85 incentive payment is not issued within ninety (90) days after filing of the verified statement and all supplemental information required by subsection (g), the auditor of state shall pay interest at the rate established by IC 6-8.1-9 computed from the date of filing of the verified statement and all supplemental information required under this section until a date determined by the auditor of state that does not precede by more than thirty (30) days the date on which the E85 incentive payment is made.

(i) A political subdivision is not entitled to an E85 incentive payment for E85 used in a qualified motor vehicle owned by the political subdivision after December 31 of the fifth calendar year of the political subdivision's ownership of the qualified motor vehicle.

(j) This section expires January 1, 2015.

SECTION 4. IC 15-9-5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]:

Chapter 5. E85 Fueling Station Grant Program

Sec. 1. As used in this chapter, "E85 base fuel" has the meaning set forth for "E85" in IC 6-6-1.1-103.

Sec. 2. As used in this chapter, "fueling station" refers to tangible property (other than a building and its structural

components) consisting of:

- (1) a tank;
- (2) a pump; and
- (3) other components;

that is used by a person engaged in the business of selling motor fuel at retail to enable motor fuel to be dispensed directly into the fuel tank of a customer's motor vehicle.

Sec. 3. As used in this chapter, "location" refers to one (1) or more parcels of land that:

- (1) have a common access to a public highway; and
- (2) are or would appear to the reasonable person making an observation from a public highway to be part of the same business.

Sec. 4. As used in this chapter, "motor vehicle" means any vehicle that:

- (1) is manufactured primarily for use on public streets, roads, and highways (not including a vehicle operated exclusively on a rail or rails); and
- (2) has at least four (4) wheels.

Sec. 5. As used in this chapter, "qualified investment" refers to an ordinary and usual expense that is incurred after June 30, 2007, to do either of the following:

- (1) Purchase any part of a renewable fuel compatible fueling station for the purpose of:
 - (A) installing the new renewable fuel compatible fuel station at a location on which a fueling station is not located; or
 - (B) converting an existing fueling station that is not a renewable fuel compatible fueling station into a fueling station that is a renewable fuel compatible fueling station.
- (2) Refit any part of a fueling station that is not renewable fuel compatible as a renewable fuel compatible fueling station, including the costs of cleaning storage tanks and piping to remove petroleum sludge and other contaminants.

Sec. 6. As used in this chapter, "renewable fuel compatible" means:

- (1) capable of storing and delivering E85 base fuel without contaminants resulting from deterioration from constant contact with alcohol fuels; and
- (2) in conformity with applicable governmental standards, if any, and other nationally recognized standards applying to storage and handling of E85 base fuel, as determined under the standards prescribed by the department.

Sec. 7. (a) The department may award a grant under this chapter to a person that:

- (1) makes a qualified investment; and
- (2) places the qualified investment in service;

in Indiana for the dispensing of E85 base fuel into the fuel tanks of motor vehicles.

(b) A recipient of a grant awarded under this chapter must comply with any guidelines developed by the state department of agriculture's office of energy and defense development.

Sec. 8. (a) Subject to subsection (b), the state department of agriculture's office of energy and defense development shall determine the amount of each grant awarded under this chapter.

(b) The amount of a grant awarded under this chapter may not exceed the lesser of the following:

- (1) The amount of the person's qualified investment.
- (2) Five thousand dollars (\$5,000) for all qualified investments made by the person at a single location.

Sec. 9. The department shall do the following:

- (1) Prepare and supervise the issuance of public information concerning the grant program established under this chapter.
- (2) Prescribe the form for and regulate the submission of applications for grants under this chapter.
- (3) Determine an applicant's eligibility for a grant under this chapter.

Sec. 10. The total amount of grants awarded under this chapter for all state fiscal years may not exceed one million dollars (\$1,000,000).

Sec. 11. (a) The E85 fueling station grant fund is established to provide grants under this chapter.

(b) The fund consists of appropriations from the general assembly.

(c) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public funds may be invested.

(d) The money in the fund at the end of a state fiscal year does not revert to the state general fund but remains in the fund to be used exclusively for purposes of this chapter.

(e) Money in the fund is continuously appropriated for the purposes of this chapter.

Sec. 12. A grant awarded under this chapter is not subject to taxation under IC 6-3-1 through IC 6-3-7.

Sec. 13. A grant awarded under this chapter does not reduce the basis of the qualified property for purposes of determining any gain or loss on the property when the grant recipient disposes of the property.

SECTION 5. [EFFECTIVE JULY 1, 2007] IC 6-2.5-7-5, as amended by this act, applies to reporting periods ending after June 30, 2007.

SECTION 6. [EFFECTIVE JULY 1, 2007] (a) There is appropriated to the department of agriculture one million dollars (\$1,000,000) from the state general fund for deposit in the E85 fueling station grant fund established under IC 15-9-5, as added by this act, beginning July 1, 2007, and ending June 30, 2008.

(b) This SECTION expires July 1, 2008.

SECTION 7. [EFFECTIVE JANUARY 1, 2008] (a) IC 8-14-2-8, as added by this act, applies to a political subdivision's purchase of E85 (as defined in IC 6-6-1.1-103(s)) occurring after December 31, 2007.

(b) A political subdivision may not claim an E85 incentive payment for any purchase of E85 occurring after December 31, 2014.

(Reference is to ESB 270 as reprinted April 3, 2007.)

Heinold, Chair

Grubb

Lewis

Ulmer

Senate Conferees

House Conferees

Roll Call 515: yeas 46, nays 2. Report adopted.

CONFERENCE COMMITTEE REPORT

ESB 412-1

Madam President: Your Conference Committee appointed to confer with a like committee from the House upon Engrossed House Amendments to Engrossed Senate Bill 412 respectfully reports that said two committees have conferred and agreed as follows to wit: that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 4-1-10-1.5 IS ADDED TO THE INDIANA CODE AS NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 1.5. As used in this chapter, "person" means an individual, a corporation, a limited liability company, a partnership, or other legal entity.**

SECTION 2. IC 4-1-10-5.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 5.5. Unless prohibited by state law, federal law, or a court order, the following apply:**

(1) A state educational institution may disclose, in addition to the disclosures otherwise permitted by this chapter, a Social Security number of an individual to the following:

(A) A state, local, or federal agency or a person with whom a state, local, or federal agency has a contract to perform the agency's duties and responsibilities.

(B) A person that the state educational institution contracts with to provide goods or services to the state educational institution if:

(i) the disclosure is necessary for the contractor to perform the contractor's duties and responsibilities under the contract; and

(ii) the contract requires adequate safeguards, including any safeguards required by state or federal law, to prevent any use or disclosure of the Social Security numbers for any purpose other than those purposes described in the contract and to require the return or confirmed destruction of any Social Security numbers following termination of the contractual relationship.

(C) Persons to whom the state educational institution may otherwise legally disclose for the permissible purposes of the following:

(i) The Family Education Rights and Privacy Act (20 U.S.C. 1232g et seq.).

(ii) The Health Insurance Portability and Accountability Act (42 U.S.C. 201 et seq.).

(D) The state educational institution's legal counsel, but only to the extent that a state educational institution could disclose a Social Security number to an in-house counsel.

(2) Consent for the authorized disclosure of any individual's Social Security number may be given to a state educational institution by electronic transmission if the state educational institution is reasonably able to verify the authenticity of the consent. A state educational institution may rely on the written consent of an

individual given to a third party if the consent expressly permits the disclosure of the individual's Social Security number by the state educational institution.

SECTION 3. IC 36-2-7-10.1, AS AMENDED BY P.L.171-2006, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 10.1. (a) As used in this section, "bulk form" means:**

(1) a copy of all recorded documents received by the county recorder for recording in a calendar day, week, month, or year;

(2) the indices for finding, retrieving, and viewing all recorded documents received by the county recorder for recording in a calendar day, week, month, or year; or

(3) both subdivisions (1) and (2).

(b) As used in this section, "bulk user" means an individual, a corporation, a partnership, a limited liability company, or an unincorporated association that purchases bulk form copies. However, "bulk user" does not include an individual, a corporation, a partnership, a limited liability company, or an unincorporated association whose primary purpose is to resell public records.

(c) As used in this section, "copy" means:

(1) duplicating electronically stored data onto a disk, tape, drum, or any other medium of electronic data storage; or

(2) reproducing on microfilm.

(d) As used in this section, "indices" means all of the indexing information used by the county recorder for finding, retrieving, and viewing a recorded document.

(e) As used in this section, "recorded document" means a writing, a paper, a document, a plat, a map, a survey, or anything else received at any time for recording or filing in the public records maintained by the county recorder.

(f) The county recorder shall collect the fees prescribed by this section for the sale of recorded documents in bulk form copies to bulk users of public records. The county recorder shall pay the fees into the county treasury at the end of each calendar month. The fees prescribed and collected under this section supersede all other fees for bulk form copies required by law to be charged for services rendered by the county recorder to bulk users.

(g) Except as provided by subsection (h), the county recorder shall charge bulk users the following for bulk form copies:

(1) Five cents (\$0.05) per page for a recorded document, including the index of the instrument number or book and page, or both, for retrieving the recorded document.

(2) Five cents (\$0.05) per recorded document for a copy of the other indices used by the county recorder for finding, retrieving, and viewing a recorded document.

(h) As used in this subsection, "actual cost" does not include labor costs or overhead costs. The county recorder may charge a fee that exceeds the amount established by subsection (g) if the actual cost of providing the bulk form copies exceeds the amount established by subsection (g). However, the total amount charged for the bulk form copies may not exceed the actual cost plus one cent (\$0.01) of providing the bulk form copies.

(i) The county recorder shall provide bulk users with bulk form copies in the format or medium in which the county recorder maintains the recorded documents and indices. If the county recorder maintains the recorded documents and indices in more than

one (1) format or medium, the bulk user may select the format or medium in which the bulk user shall receive the bulk form copies. If the county recorder maintains the recorded documents and indices for finding, retrieving, and viewing the recorded documents in an electronic or a digitized format, a reasonable effort shall be made to provide the bulk user with bulk form copies in a standard, generally acceptable, readable format. Upon request of the bulk user, the county recorder shall provide the bulk form copies to the bulk user within a reasonable time after the recorder's archival process is completed and bulk form copies become available in the office of the county recorder.

(j) Bulk form copies under this section may be used:

- (1) in the ordinary course of the business of the bulk user; and
- (2) by customers of the bulk user.

The bulk user may charge its customers a fee for using the bulk form copies obtained by the bulk user. However, bulk form copies obtained by a bulk user under this section may not be resold.

(k) All revenue generated by the county recorder under this section shall be deposited in the recorder's record perpetuation fund and used by the recorder in accordance with section ~~10(c)~~ **10(d)** of this chapter.

(l) This section does not apply to enhanced access under IC 5-14-3-3.

SECTION 4. IC 36-2-11-15, AS AMENDED BY P.L.171-2006, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 15. (a) This section does not apply to:

- (1) an instrument executed before July 1, 1959, or recorded before July 26, 1967;
- (2) a judgment, order, or writ of a court;
- (3) a will or death certificate;
- (4) an instrument executed or acknowledged outside Indiana; or
- (5) a federal lien on real property or a federal tax lien on personal property, as described in section 25 of this chapter.

(b) The recorder may receive for record or filing an instrument that conveys, creates, encumbers, assigns, or otherwise disposes of an interest in or lien on property only if:

- (1) the name of the person and governmental agency, if any, that prepared the instrument is printed, typewritten, stamped, or signed in a legible manner at the conclusion of the instrument; and
- (2) all Social Security numbers in the document are redacted, unless required by law.

(c) An instrument complies with subsection (b)(1) if it contains a statement in the following form:

"This instrument was prepared by (name).".

(d) An instrument complies with subsection (b)(2) if it contains a statement in the following form **at the conclusion of the instrument and immediately preceding or following the statement required by subsection (b)(1):**

"I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law (name).".

SECTION 5. **An emergency is declared for this act.**

(Reference is to ESB 412 as reprinted April 10, 2007.)

Hershman, Chair
Lanane
Senate Conferees

Micon
Walorski
House Conferees

Roll Call 516: yeas 48, nays 0. Report adopted.

CONFERENCE COMMITTEE REPORT

ESB 461-1

Madam President: Your Conference Committee appointed to confer with a like committee from the House upon Engrossed House Amendments to Engrossed Senate Bill 461 respectfully reports that said two committees have conferred and agreed as follows to wit: that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 4-22-2.1-6, AS ADDED BY P.L.188-2005, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 6. (a) Not later than seven (7) days before the date of the public hearing set forth in the agency's notice under IC 4-22-2-24, the corporation shall do the following:

(1) Review the proposed rule and economic impact statement submitted to the corporation by the agency under section 5(c) of this chapter.

(2) Submit written comments to the agency on the proposed rule and the economic impact statement prepared by the agency under section 5 of this chapter. The corporation's comments may:

(A) recommend that the agency implement one (1) or more of the regulatory alternatives considered by the agency under section 5(a)(5) of this chapter;

(B) suggest regulatory alternatives not considered by the agency under section 5(a)(5) of this chapter;

(C) recommend any other changes to the proposed rule that would minimize the economic impact of the proposed rule on small businesses; or

(D) recommend that the agency abandon or delay the rulemaking action until:

(i) more data on the impact of the proposed rule on small businesses can be gathered and evaluated; or

(ii) less intrusive or less costly alternative methods of achieving the purpose of the proposed rule can be effectively implemented with respect to small businesses.

(b) Upon receipt of the corporation's written comments under subsection (a), the agency shall make the comments available:

(1) for public inspection and copying at the offices of the agency under IC 5-14-3;

(2) electronically through the electronic gateway administered **under IC 4-13.1-2-2(a)(5) by the internet commission; office of technology;** and

(3) for distribution at the public hearing required by IC 4-22-2-26.

(c) Before finally adopting a rule under IC 4-22-2-29, and in the same manner that the agency considers public comments under

IC 4-22-2-27, the agency must fully consider the comments submitted by the corporation under subsection (a). After considering the comments under this subsection, the agency may:

- (1) adopt any version of the rule permitted under IC 4-22-2-29; or
- (2) abandon or delay the rulemaking action as recommended by the corporation under subsection (a)(2)(D), if applicable.

SECTION 2. IC 4-23-7.3 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]:

Chapter 7.3. Indiana GIS Mapping Standards

Sec. 1. As used in this chapter, "data exchange agreement" means an agreement concerning the exchange of any GIS data or framework data.

Sec. 2. As used in this chapter, "electronic map" has the meaning set forth in IC 5-14-3-2(d).

Sec. 3. (a) As used in this chapter, "framework data" means common electronic map information for a geographic area.

(b) The term includes the following:

- (1) Digital orthophotography.
- (2) Digital cadastre.
- (3) Public land survey system.
- (4) Elevation.
- (5) Geodetic control.
- (6) Governmental boundary units.
- (7) Water features.
- (8) Addresses.
- (9) Streets.

Sec. 4. As used in this chapter, "fund" refers to the Indiana mapping data and standards fund established by section 19 of this chapter.

Sec. 5. As used in this chapter, "GIS" refers to geographic information systems.

Sec. 6. As used in this chapter, "IGIC" refers to the nonprofit entity known as the Indiana Geographic Information Council, or its successor organization.

Sec. 7. As used in this chapter, "political subdivision" has the meaning set forth in IC 36-1-2-13.

Sec. 8. As used in this chapter, "state agency" has the meaning set forth in IC 4-13-1-1.

Sec. 9. As used in this chapter, "state data center" refers to the state data center established under IC 4-23-7.1.

Sec. 10. As used in this chapter, "state GIS officer" refers to the individual appointed under section 13 of this chapter.

Sec. 11. As used in this chapter, "statewide base map" means an electronic map of Indiana consisting of framework data for Indiana.

Sec. 12. As used in this chapter, "statewide data integration plan" means a plan:

- (1) to integrate GIS data and framework data developed and maintained by different units of the federal, state, and local government into statewide coverage of framework data; and
- (2) that includes details for:
 - (A) an inventory of existing data;
 - (B) stakeholder data requirements;
 - (C) identification of data stewards;
 - (D) data standards and schema, costs, work flow, data

transfer mechanisms, update frequency, and maintenance; and

(E) identification of appropriate data sharing policies and mechanisms to facilitate intergovernmental data exchange, such as data exchange agreements.

Sec. 13. (a) The governor shall appoint an individual as the state GIS officer.

(b) The individual appointed by the governor must be an experienced geography and mapping professional who has:

- (1) extensive knowledge of the principles, practices, terminology, and trends in GIS, spatial data, analysis, and related technology; and
- (2) experience in administration, project management, policy development, coordination of services, and planning.

Sec. 14. The state GIS officer shall do the following:

(1) Function as the chief officer for GIS matters for state agencies.

(2) Review and either veto or adopt both the:

(A) state's GIS data standards; and

(B) statewide data integration plan;

as recommended by the IGIC. If either of the recommendations is vetoed, the state GIS officer shall return the recommendation to the IGIC with a message announcing the veto and stating the reasons for the veto. If the IGIC ceases to exist or refuses to make the recommendations listed in this subsection, the state GIS officer may develop and adopt state GIS data standards and a statewide data integration plan. The standards and the plan adopted under this subsection must promote interoperability and open use of data with various GIS software, applications, computer hardware, and computer operating systems.

(3) Act as the administrator of:

(A) the state standards and policies concerning GIS data and framework data; and

(B) the statewide data integration plan.

(4) Enforce the state GIS data standards and execute the statewide data integration plan adopted under subdivision

(2) through the use of:

(A) GIS policies developed for state agencies; and

(B) data exchange agreements involving an entity other than a state agency.

(5) Coordinate the state data center's duties under this chapter.

(6) Act as the state's representative for:

(A) requesting grants available for the acquisition or enhancement of GIS resources; and

(B) preparing funding proposals for grants to enhance coordination and implementation of GIS.

(7) Review and approve, in accordance with the statewide data integration plan, the procurement of GIS goods and services involving the state data center or a state agency.

(8) Cooperate with the United States Board on Geographic Names established by P.L.80-242 by serving as the chair of a committee formed with the IGIC as the state names authority for Indiana.

(9) Publish a biennial report. The report must include the status and metrics on the progress of the statewide data integration plan.

(10) Represent the state's interest to federal agencies regarding the National Spatial Data Infrastructure.

(11) Serve as the state's primary point of contact for communications and discussions with federal agencies regarding framework data, spatial data exchanges, cost leveraging opportunities, spatial data standards, and other GIS related issues.

(12) Facilitate GIS data cooperation between units of the federal, state, and local governments.

(13) Promote the development and maintenance of statewide GIS data and framework data layers associated with a statewide base map.

(14) Approve and maintain data exchange agreements to which the state data center or a state agency is a party to increase the amount and quality of GIS data and framework data available to the state.

(15) Use personnel made available from state educational institutions to provide technical support to the:

(A) state GIS officer in carrying out the officer's duties under this chapter; and

(B) IGIC.

Sec. 15. The publication and access requirements of this chapter do not apply to data that would otherwise be exempt from public disclosure under IC 5-14-3-4(b)(19).

Sec. 16. With money from the fund, the state GIS officer, through the data center, the IGIC, and the other organizations, shall do the following:

(1) Ensure that there are adequate depositories of all GIS data and framework data obtained by a state agency.

(2) Acquire, publish, store, and distribute GIS data and framework data through the computer gateway administered under IC 4-13.1-2-2(a)(5) by the office of technology and through the state data center. The state GIS officer may also provide access through the IGIC and other entities as directed by the state GIS officer.

(3) Integrate GIS data and framework data developed and maintained by state agencies and political subdivisions into the statewide base map.

(4) Maintain a state historical archive of GIS data, framework data, and electronic maps.

(5) Except as otherwise provided in this chapter, provide public access to GIS data and framework data in locations throughout Indiana.

(6) Provide assistance to state agencies and political subdivisions regarding public access to GIS data and framework data so that information is available to the public while confidentiality is protected for certain data from electronic maps.

(7) Develop and maintain statewide framework data layers associated with a statewide base map or electronic map.

(8) Publish and distribute the state GIS data standards and the statewide data integration plan adopted under section 14(2) of this chapter.

(9) Subject to section 20 of this chapter, make GIS data, framework data, and electronic maps available for use by the Indiana Business Research Center.

Sec. 17. The state GIS officer shall coordinate with state educational institutions to do the following:

(1) Promote formal GIS education opportunities for full-time and part-time students.

(2) Provide informal GIS learning opportunities through a series of seminars and noncredit concentrated classes provided throughout Indiana.

(3) Coordinate research assets for the benefit of Indiana by maintaining inventories of the universities' academic and technical GIS experts, data and technology resources as provided by the universities, and research interests for collaboration to pursue research grant opportunities.

(4) Implement an outreach network to Indiana political subdivisions to enhance communication and data sharing among state government, political subdivisions, and the business community.

Sec. 18. (a) Except as provided in subsection (b), a state educational institution may not bid on contracts to provide photogrammetry services or framework layer data conversion services for the benefit of a state agency or political subdivision. This section shall not be construed to prohibit the purchase of any of the following by a state agency or political subdivision from a state educational institution:

(1) GIS data or framework data.

(2) Data previously created by the state educational institution as part of the educational, research, or service mission of the state educational institution.

(b) If there is a lack of qualified bids on contracts referred to in subsection (a) by entities other than state educational institutions, the state agency or political subdivision may, with the advice of the state GIS officer, solicit bids from state educational institutions.

Sec. 19. (a) The Indiana mapping data and standards fund is established for the following purposes:

(1) Funding GIS grants.

(2) Administering this chapter.

(b) The fund consists of the following:

(1) Appropriations made to the fund by the general assembly.

(2) Gifts, grants, or other money received by the state for GIS purposes.

(c) The state GIS officer shall administer the fund.

(d) The expenses of administering the fund shall be paid from money in the fund.

(e) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public money may be invested. Interest that accrues from these investments shall be deposited in the fund.

(f) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

Sec. 20. (a) Except as provided in subsections (b), (c), and (d), a political subdivision maintains the right to control the sale, exchange, and distribution of any GIS data or framework data provided by the political subdivision to the state through a data exchange agreement entered into under this chapter.

(b) A political subdivision may agree, through a provision in a data exchange agreement, to allow the sale, exchange, or distribution of GIS data or framework data provided to the state.

(c) Subsection (a) does not apply to data that is otherwise required by state or federal law to be provided by a political subdivision to the state or federal government.

(d) As a condition in a data exchange agreement for providing state GIS data or framework data to a political subdivision, the state GIS officer may require the political subdivision to follow the state GIS data standards and the statewide data integration plan when the political subdivision makes use of the GIS data or framework data as provided by the state.

Sec. 21. (a) Nothing in this chapter shall be construed to permit the IGIC, the state GIS officer, or the state data center to recommend or restrict standards for GIS hardware or software that a proprietary vendor provides to any political subdivision.

(b) It is the intent of the general assembly in enacting this chapter to promote high technology enterprise and employment within Indiana. To the extent practicable, the "Buy Indiana Presumption" required by Executive Order 05-05, shall be observed with respect to all procurement decisions related to this chapter, so long as Executive Order 05-05 is in effect.

Sec. 22. The publication and access requirements of this chapter do not supersede IC 5-14-3.

SECTION 3. IC 5-22-22-4.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 4.5. (a) The purchasing agency may sell surplus property using an Internet auction site that satisfies both of the following:

- (1) The site is approved by the ~~intelenet commission~~; **office of technology established by IC 4-13.1-2-1.**
- (2) The site is linked to the electronic gateway administered **under IC 4-13.1-2-2(a)(5)** by the ~~intelenet commission~~; **office of technology.**

(b) The purchasing agency's posting of the sale on the Internet auction site must include a detailed description of the surplus property to be sold.

(c) The purchasing agency may pay the costs of conducting the auction on the Internet site as required by the person maintaining the auction site.

SECTION 4. IC 9-14-3-5, AS AMENDED BY P.L.210-2005, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 5. (a) Except as provided in subsection (b), (d), or (e), the bureau shall prepare and deliver information on titles, registrations, and licenses and permits upon the request of any person. All requests must be:

- (1) submitted in writing; or
- (2) made electronically through the computer gateway administered **under IC 4-13.1-2-2(a)(5)** by the ~~intelenet commission under IC 5-21~~; **office of technology**;

to the bureau and, unless exempted under IC 9-29, must be accompanied by the payment of the fee prescribed in IC 9-29-2-2.

(b) The bureau shall not disclose:

- (1) the Social Security number;
- (2) the federal identification number;

(3) the driver's license number;

(4) the digital image of the driver's license applicant;

(5) a reproduction of the signature secured under IC 9-24-9-1 or IC 9-24-16-3; or

(6) medical or disability information;

of any person except as provided in subsection (c).

(c) The bureau may disclose any information listed in subsection (b):

(1) to a law enforcement officer;

(2) to an agent or a designee of the department of state revenue;

(3) for uses permitted under IC 9-14-3.5-10(1), IC 9-14-3.5-10(4), IC 9-14-3.5-10(6), and IC 9-14-3.5-10(9); or

(4) for voter registration and election purposes required under IC 3-7 or IC 9-24-2.5.

(d) As provided under 42 U.S.C. 1973gg-3(b), the commission may not disclose any information concerning the failure of an applicant for a motor vehicle driver's license to sign a voter registration application, except as authorized under IC 3-7-14.

(e) The commission may not disclose any information concerning the failure of an applicant for a title, registration, license, or permit (other than a motor vehicle license described under subsection (d)) to sign a voter registration application, except as authorized under IC 3-7-14.

SECTION 5. IC 9-29-2-2, AS AMENDED BY P.L.210-2005, SECTION 56, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. (a) The fee to obtain information regarding vehicle titles under IC 9-14-3-5 is:

(1) four dollars (\$4) for each record requested in writing; and

(2) a fee to be determined by the bureau not to exceed four dollars (\$4), in conformance with IC 5-14-3-8, for each record requested electronically through the computer gateway administered **under IC 4-13.1-2-2(a)(5)** by the ~~intelenet commission under IC 5-21~~; **office of technology**;

plus any service fee charged by the ~~intelenet commission~~; **office of technology established by IC 4-13.1-2-1.**

(b) The fee to obtain information regarding a license, vehicle registration, or permit under IC 9-14-3-5 is four dollars (\$4) for a record requested either:

(1) in writing; or

(2) electronically through the computer gateway administered **under IC 4-13.1-2-2(a)(5)** by the ~~intelenet commission under IC 5-21~~; **office of technology**;

plus any service fee charged by the ~~intelenet commission~~; **office of technology established by IC 4-13.1-2-1.**

(c) The fee imposed by this section and paid to the bureau is in lieu of fees established under IC 5-14-3-8 and does not apply to a law enforcement agency or an agency of government.

SECTION 6. IC 5-21 IS REPEALED [EFFECTIVE JULY 1, 2007].

(Reference is to ESB 461 as reprinted April 3, 2007.)

Ford, Chair

Reske

Mrvan

Murphy

Senate Conferees

House Conferees

Roll Call 517: yeas 48, nays 0. Report adopted.

CONFERENCE COMMITTEE REPORT

ESB 566-1

Madam President: Your Conference Committee appointed to confer with a like committee from the House upon Engrossed House Amendments to Engrossed Senate Bill 566 respectfully reports that said two committees have conferred and agreed as follows to wit: that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 12-7-2-47.5 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE UPON PASSAGE]: **Sec. 47.5. "Covered entity", for purposes of IC 12-15-23.5, has the meaning set forth in IC 12-15-23.5-1.**

SECTION 2. IC 12-15-13-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 6. (a) **Except as provided by IC 12-15-35-50**, a notice or bulletin that is issued by:

- (1) the office;
- (2) a contractor of the office; or
- (3) a managed care plan under the office;

concerning a change to the Medicaid program that does not require use of the rulemaking process under IC 4-22-2 may not become effective until forty-five (45) days after the date the notice or bulletin is mailed to the parties affected by the notice or bulletin.

(b) The office must mail a notice or bulletin described in subsection (a) within five (5) business days after the date on the notice or bulletin.

SECTION 3. IC 12-15-23.5 IS ADDED TO THE INDIANA CODE AS A **NEW CHAPTER TO READ AS FOLLOWS** [EFFECTIVE UPON PASSAGE]:

Chapter 23.5. Coordination of Benefits Study

Sec. 1. As used in this chapter, "covered entity" has the meaning set forth in 45 CFR 160.103.

Sec. 2. (a) Before January 1, 2008, the office shall:

- (1) examine all Medicaid claims paid after January 1, 2001, and before July 1, 2007;
- (2) determine which claims examined under subdivision (1) were eligible for payment by a third party other than Medicaid; and
- (3) recover the claims that were determined under subdivision (2) to be eligible for payment by a third party other than Medicaid.

(b) The office shall require through an eligibility and benefit request, and a covered entity shall provide, any information necessary for the office to complete the examination required by this section. The office, after notice and hearing, may impose a fine not to exceed one thousand dollars (\$1,000) for each refusal by a covered entity to provide information concerning an eligibility and benefit request for a Medicaid recipient requested by the office under this section.

Sec. 3. If at least one percent (1%) of the claims were determined under section 2 of this chapter to be eligible for payment by a third party other than Medicaid, the office shall develop and implement a procedure to improve the

coordination of benefits between:

- (1) the Medicaid program; and
- (2) any other third party source of health care coverage provided to a recipient.

Sec. 4. If a procedure is developed and implemented under section 3 of this chapter, the procedure:

- (1) must be automated; and
- (2) must provide a system for determining whether a Medicaid claim is eligible for payment by another third party before the claim is paid under the Medicaid program.

SECTION 4. IC 12-15-29-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) Subject to subsection (b), an insurer shall furnish records or information pertaining to the coverage of an individual for the individual's medical costs under an individual or a group policy or other obligation, or the medical benefits paid or claims made under a policy or an obligation, if the office does the following:

- (1) Requests the information ~~in writing~~ **electronically or by United States mail.**
- (2) Certifies that the individual is:
 - (A) a Medicaid applicant or recipient; or
 - (B) a person who is legally responsible for the applicant or recipient.

(b) The office may request only the records or information necessary to determine whether insurance benefits have been or should have been claimed and paid with respect to items of medical care and services that were received by a particular individual and for which Medicaid coverage would otherwise be available.

SECTION 5. IC 12-15-29-4.5 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE UPON PASSAGE]: **Sec. 4.5. (a) An insurer shall accept a Medicaid claim for a Medicaid recipient for three (3) years from the date the service was provided.**

(b) An insurer may not deny a Medicaid claim submitted by the office solely on the basis of:

- (1) the date of submission of the claim;
- (2) the type or format of the claim form;
- (3) the method of submission of the claim; or
- (4) a failure to provide proper documentation at the point of sale that is the basis of the claim;

if the claim is submitted by the office within three (3) years from the date the service was provided as required in subsection (a) and the office commences action to enforce the office's rights regarding the claim within six (6) years of the office's submission of the claim.

(c) An insurer may not deny a Medicaid claim submitted by the office solely due to a lack of prior authorization. An insurer shall conduct the prior authorization on a retrospective basis for claims where prior authorization is necessary and adjudicate any claim authorized in this manner as if the claim received prior authorization.

SECTION 6. IC 12-15-29-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 7. (a) The notice requirements of section 4 of this chapter are satisfied if:

- (1) the insurer receives from the office, ~~by certified electronically or registered by United States mail~~, a statement of the claims paid or medical services rendered by

the office, together with a claim for reimbursement; or
 (2) the insurer receives a claim from a beneficiary stating that the beneficiary has applied for or has received Medicaid from the office in connection with the same claim.

(b) An insurer that receives a claim under subsection (a)(2) shall notify the office of the insurer's obligation on the claim and shall:

- (1) pay the obligation to the provider of service; or
- (2) if the office has provided Medicaid, pay the office.

SECTION 7. IC 12-15-29-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 9. (a) IC 27-8-23 applies to this section.

(b) To the extent that payment for covered medical expenses has been made under the state Medicaid program for health care items or services furnished to a person, in a case where a third party has a legal liability to make payments, the state is considered to have acquired the rights of the person to payment by any other party for the health care items or services.

(c) As required under 42 U.S.C. 1396a(a)(25), an insurer shall accept the state's right of recovery and the assignment to the state of any right of the individual or entity to payment for a health care item or service for which payment has been made under the state Medicaid plan.

SECTION 8. IC 12-15-35-50 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 50. (a) **IC 12-15-13-6 does not apply to this section.**

(b) The office shall maintain an Internet web site and post on the web site any changes concerning the office's maximum allowable cost schedule for drugs.

(c) A change in the office's maximum allowable cost schedule for drugs may not take effect less than thirty (30) days after the change is posted on the office's Internet web site.

(d) The office is not required to mail a notice to providers concerning a change in the office's maximum allowable cost schedule for drugs.

(e) A pharmacy may determine not to participate in the Medicaid program because of a change to the office's maximum allowable cost schedule for drugs if the pharmacy notifies the office not less than thirty (30) days after the changes take effect.

SECTION 9. IC 12-19-7.5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1. As used in this chapter, "children's psychiatric residential treatment services" means services that are:

- (1) eligible for federal financial participation under the state Medicaid plan; and
- (2) provided to individuals less than twenty-one (21) years of age who are:
 - (A) eligible for services under the state Medicaid plan;
 - (B) approved by the office **as eligible** for admission to and treatment in a private psychiatric residential treatment facility; and
 - (C) **either** residing in a:
 - (i) private psychiatric residential facility for the purposes of treatment for a mental health condition, based on an approved treatment plan that complies with applicable federal and state Medicaid rules and regulations; or

(ii) less restrictive setting and participating in a federally approved community alternatives to psychiatric residential treatment facilities demonstration grant that provides safe, intensive, and appropriate services under an approved treatment plan that complies with federal and state Medicaid law.

SECTION 10. IC 12-24-13-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) ~~Each patient in a state institution and the responsible parties of the patient, individually or collectively, shall pay for the ensuing fiscal year an amount not to exceed the per capita cost at that state institution; establish a charge structure for institutional services and treatment. The charge structure must be approved by the director of the division before July 1 of each year and, once approved, the charge structure must be effective for the following state fiscal year.~~

(b) Except as provided in section 5 of this chapter, each patient in a state institution and the responsible parties, individually or collectively, are liable for the payment of the ~~cost of charges for~~ the treatment and maintenance of the patient.

SECTION 11. IC 12-24-13-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. If a patient in a state institution has insurance coverage that covers hospitalization or medical services in psychiatric hospitals, all benefits under the insurance coverage ~~in an amount not to exceed the cost of treatment and maintenance of the patient;~~ shall be assigned to the appropriate division.

SECTION 12. IC 12-24-13-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. The appropriate division shall issue to any party liable under this chapter for any type of psychiatric service statements of sums due as maintenance charges. The division shall require the liable party to pay monthly, quarterly, or otherwise as may be arranged an amount not exceeding the maximum ~~cost charge~~ as determined under this chapter.

SECTION 13. IC 12-24-13-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11. The estate of a patient who receives care, treatment, maintenance, or any other service furnished by the division at the state's expense is liable for payment ~~of the cost of the charges as determined under this chapter for~~ the service. The estate is exempt from the requirements of section 10 of this chapter or any part of this chapter directly in conflict with the intent of the chapter to hold a patient's estate liable for payment.

SECTION 14. IC 12-24-14-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. The billing and collection of maintenance ~~expenses charges~~ under this article shall be made by the division or a unit of the division designated by the director.

SECTION 15. THE FOLLOWING ARE REPEALED [EFFECTIVE UPON PASSAGE]: IC 12-24-13-3; IC 12-24-13-8; IC 12-24-13-9.

SECTION 16. **An emergency is declared for this act.**

(Reference is to ESB 566 as reprinted April 10, 2007.)

Dillon, Chair	C. Brown
Mrvan	T. Brown
Senate Conferees	House Conferees

Roll Call 518: yeas 48, nays 0. Report adopted.

CONFERENCE COMMITTEE REPORT
EHB 1274-1

Madam President: Your Conference Committee appointed to confer with a like committee from the House upon Engrossed Senate Amendments to Engrossed House Bill 1274 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the House recede from its dissent from all Senate amendments and that the House now concur in all Senate amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 9-29-11-1, AS AMENDED BY P.L.174-2006, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1. (a) Except as provided in subsection (c), the main department, office, agency, or other person under whose supervision a law enforcement officer carries on the law enforcement officer's duties may charge a fee that is fixed by ordinance of the fiscal body in an amount not less than five dollars (\$5) **nor more than eight dollars (\$8)** for each report. **However, the main department, office, agency, or other person may not charge a fee that is more than five dollars (\$5) unless the state police department has certified that the main department, office, agency, or other person has submitted its accident reports to the central repository not later than twenty (20) days after completion.**

(b) The fee collected under subsection (a) or (c) shall be deposited in the following manner:

- (1) If the department supplying a copy of the accident report is the state police department, in a separate account known as the "accident report account". The account may be expended at the discretion of the state police superintendent for a purpose reasonably related to the keeping of accident reports and records or the prevention of street and highway accidents.
- (2) If the department supplying a copy of the accident report is the sheriff, county police, or county coroner, in a separate account known as the "accident report account". The account may be expended at the discretion of the chief administrative officer of the entity that charged the fee for any purpose reasonably related to the keeping of accident reports and records or the prevention of street and highway accidents.
- (3) If the department supplying a copy of the accident report is a city or town police department, in the local law enforcement continuing education fund established by IC 5-2-8-2.

(c) **Except as provided in subsection (e),** the superintendent of the state police department, may charge a fee in an amount that is not less than five dollars (\$5) **nor more than eight dollars (\$8)** for:

- (1) each report; and
- (2) the inspection and copying of other report related data maintained by the department.

(d) The superintendent of the state police department shall biennially tabulate and analyze the costs associated with the state police department maintaining a vehicle crash records system as compared with the costs associated with contracting with a private vendor to provide a vehicle crash records system. The superintendent shall publish the analysis and tabulation in the form of a report. The state police department shall:

- (1) publish the report biennially beginning on January 30, 2008;
- (2) provide a copy of the report to the legislative council; and
- (3) make the report available to the public.

The report to the legislative council must be in an electronic format under IC 5-14-6.

(e) If the analysis contained in the report described in subsection (d) demonstrates the need for a fee greater than eight dollars (\$8), the superintendent may establish a higher fee by adopting rules under IC 4-22-2.

SECTION 2. IC 9-29-11.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]:

Chapter 11.5. Accident Response Service Fees

Sec. 1. As used in this chapter, "accident response service fee" means a fee imposed for any of the following:

- (1) The response by a local law enforcement agency to a motor vehicle accident.
- (2) The investigation by a local law enforcement agency of a motor vehicle accident.

Sec. 2. As used in this chapter, "local law enforcement agency" means a political subdivision's department or agency whose principal function is the apprehension of criminal offenders.

Sec. 3. A political subdivision or a local law enforcement agency of a political subdivision may not impose or collect, or enter into a contract for the collection of, an accident response service fee on or from:

- (1) the driver of a motor vehicle; or
- (2) any other person; involved in a motor vehicle accident.

SECTION 3. [EFFECTIVE UPON PASSAGE] (a) As used in this SECTION, "committee" refers to the regulatory flexibility committee established by IC 8-1-2.6-4.

(b) Not later than November 1, 2007, the committee shall study the revision of the Indiana statute governing enhanced wireless 911 systems to include Internet Protocol enabled services and other emerging technologies.

(c) The committee shall prepare a report on the committee's recommendations, if any, concerning the issue described in subsection (b) and shall submit the report to the legislative council in an electronic format under IC 5-14-6 not later than December 1, 2007.

SECTION 4. [EFFECTIVE UPON PASSAGE] (a) This SECTION applies to:

- (1) the main department, office, agency, or other person under whose supervision a law enforcement officer carries on the law enforcement officer's duties; and
- (2) the state police department.

(b) Notwithstanding IC 9-29-11-1, as amended by this act, if:
(1) a person to whom this SECTION applies has entered into a contract with a private entity to supply a copy of an accident report before the effective date of this SECTION; and

(2) the contract authorizes a person to charge more than eight dollars (\$8) for a copy of the accident report; the eight dollar (\$8) cap on the fee that may be charged for an accident report under IC 9-29-11-1, as amended by this act, does not apply to the persons who are parties to the contract for the duration of the contract.

(c) This SECTION expires July 1, 2012.

SECTION 5. An emergency is declared for this act.

(Reference is to EHB 1274 as reprinted April 10, 2007.)

Herrell, Chair

Bray

Ulmer

Lewis

House Conferees

Senate Conferees

Roll Call 519: yeas 47, nays 0. Report adopted.

CONFERENCE COMMITTEE REPORT

EHB 1437-1

Madam President: Your Conference Committee appointed to confer with a like committee from the House upon Engrossed Senate Amendments to Engrossed House Bill 1437 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the House recede from its dissent from all Senate amendments and that the House now concur in all Senate amendments to the bill and that the bill be further amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and corrections.

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 5-2-6-3, AS AMENDED BY P.L.173-2006, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 3. The institute is established to do the following:

- (1) Evaluate state and local programs associated with:
 - (A) the prevention, detection, and solution of criminal offenses;
 - (B) law enforcement; and
 - (C) the administration of criminal and juvenile justice.
- (2) Improve and coordinate all aspects of law enforcement, juvenile justice, and criminal justice in this state.
- (3) Stimulate criminal and juvenile justice research.
- (4) Develop new methods for the prevention and reduction of crime.
- (5) Prepare applications for funds under the Omnibus Act and the Juvenile Justice Act.
- (6) Administer victim and witness assistance funds.
- (7) Administer the traffic safety functions assigned to the institute under IC 9-27-2.
- (8) Compile and analyze information and disseminate the information to persons who make criminal justice decisions in this state.

(9) Serve as the criminal justice statistical analysis center for this state.

(10) Identify grants and other funds that can be used by the department of correction to carry out its responsibilities concerning sex offender registration under IC 11-8-8.

(11) Administer the application and approval process for designating an area of a consolidated or second class city as a public safety improvement area under IC 36-8-19.5.

(12) Develop and maintain a meth watch program to inform retailers and the public about illicit methamphetamine production, distribution, and use in Indiana.

(13) Develop and manage the gang crime witness protection program established by section 21 of this chapter.

(14) Identify grants and other funds that can be used to fund the gang crime witness protection program.

SECTION 2. IC 5-2-6-21 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 21. (a) The gang crime witness protection program is established.**

(b) The gang crime witness protection program shall be developed and maintained to assist witnesses of gang crimes with:

- (1) temporary living costs;**
- (2) moving expenses;**
- (3) rent;**
- (4) security deposits; and**
- (5) other appropriate expenses of relocation or transitional housing.**

(c) The institute shall develop and maintain procedures to award funds for the purposes described in subsection (b) to an individual who witnesses a gang crime.

(d) The institute shall adopt rules under IC 4-22-2 to implement this section.

(e) The director of the Indiana criminal justice institute may delay the implementation of this section until the earlier of the following:

- (1) A date set by the director.**
- (2) The date funding becomes available by a grant through the criminal justice institute or by an appropriation from the general assembly.**

If the director of the criminal justice institute delays implementation of this section, the director shall notify each prosecuting attorney of the director's action.

SECTION 3. IC 5-2-6-22 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 22. (a) The gang crime witness protection fund is established. The institute shall administer the fund.**

(b) The fund consists of:

- (1) money identified and obtained by the institute under subsection (d);**
- (2) appropriations made to the fund by the general assembly; and**
- (3) grants, gifts, and donations to the fund.**

(c) The institute shall use money in the fund for costs described in section 21(b) of this chapter.

(d) The institute shall identify and obtain grants and other funds that can be used to fund the gang crime witness protection program under section 21 of this chapter.

(e) Money in the gang crime witness protection fund at the end of a state fiscal year does not revert to the state general fund."

Page 6, after line 19, begin a new paragraph and insert:

"SECTION 9. IC 35-45-9-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1. As used in this chapter, "criminal gang" means a group with at least ~~five (5)~~ **three (3)** members that specifically:

(1) either:

(A) promotes, sponsors, or assists in; or

(B) participates in; or

(2) requires as a condition of membership or continued membership;

the commission of a felony or an act that would be a felony if committed by an adult or the offense of battery (IC 35-42-2-1).

SECTION 10. IC 35-45-9-5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 5. (a) Except as provided in subsection (b), an individual who knowingly or intentionally solicits, recruits, entices, or intimidates another individual to join a criminal gang commits criminal gang recruitment, a Class D felony.

(b) The offense under subsection (a) is a Class C felony if:

(1) the solicitation, recruitment, enticement, or intimidation occurs within one thousand (1,000) feet of school property; or

(2) the individual who is solicited, recruited, enticed, or intimidated is less than eighteen (18) years of age.

SECTION 11. IC 35-45-9-6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 6. In addition to any sentence or fine imposed on a criminal gang member for committing a felony or misdemeanor, the court shall order a criminal gang member convicted of a felony or misdemeanor to make restitution to the victim of the crime under IC 35-50-5-3.

SECTION 12. IC 35-50-2-1.4, AS ADDED BY P.L.109-2006, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1.4. For purposes of section 15 of this chapter, "criminal gang" means a group with at least ~~five (5)~~ **three (3)** members that specifically:

(1) either:

(A) promotes, sponsors, or assists in; or

(B) participates in; or

(2) requires as a condition of membership or continued membership;

the commission of a felony or an act that would be a felony if committed by an adult or the offense of battery (IC 35-42-2-1)".

Renumber all SECTIONS consecutively

(Reference is to EHB 1437 as printed March 30, 2007.)

V. Smith, Chair

Foley

House Conferees

Bray

Lanane

Senate Conferees

Roll Call 520: yeas 48, nays 0. Report adopted.

MESSAGE FROM THE PRESIDENT PRO TEMPORE OF THE INDIANA STATE SENATE

Madam President and Members of the Senate: I have on April 28, 2007, signed House Enrolled Acts: 1092, 1214, 1220, 1278, 1287, 1339, 1348, 1406, 1429, and 1739.

DAVID C. LONG
President Pro Tempore

JOINT RULE 20 COMMITTEE REPORTS

COMMITTEE REPORT

Madam President: Pursuant to Joint Rule 20, your Committee on Rules and Legislative Procedure, to which was referred Engrossed House Bill 1027 because it conflicts with Senate Enrolled Act 94-2007 without properly recognizing the existence of SEA 94-2007, has had EHB 1027 under consideration and begs leave to report back to the Senate with the recommendation that EHB 1027 be corrected as follows:

Page 1, line 1, after "IC 22-2-2-4" insert ", AS AMENDED BY SEA 94-2007, SECTION 184,".

Page 8, line 5, delete "the mentally ill or defective" and insert "individuals with a mental illness or defect".

(Reference is to EHB 1027 as printed April 6, 2007.)

LONG, Chair
R. YOUNG, R.M.M.
BRAY

Report adopted.

COMMITTEE REPORT

Madam President: Pursuant to Joint Rule 20, your Committee on Rules and Legislative Procedure, to which was referred Engrossed Senate Bill 103 because it conflicts with Senate Enrolled Act 526-2007 without properly recognizing the existence of SEA 526-2007, has had ESB 103 under consideration and begs leave to report back to the Senate with the recommendation that ESB 103 be corrected as follows:

In the conference committee report to ESB 103, page 12, line 7, delete "P.L.101-2006," and insert "SEA 526-2007,".

In the conference committee report to ESB 103, page 12, line 8, delete "4," and insert "101,".

In the conference committee report to ESB 103, page 12, line 23, delete "an" and insert "a state educational".

In the conference committee report to ESB 103, page 12, line 23, after "institution" delete "of" and insert ",".

In the conference committee report to ESB 103, page 12, line 24, delete "higher education,".

(Reference is to ESB 103 as reprinted March 27, 2007, and as amended by the conference committee report to ESB 103.)

LONG, Chair
R. YOUNG, R.M.M.
GARD

Report adopted.

COMMITTEE REPORT

Madam President: Pursuant to Joint Rule 20, your Committee

on Rules and Legislative Procedure, to which was referred Engrossed House Bill 1452 because it conflicts with Senate Enrolled Act 94-2007 and SEA 526-2007 without properly recognizing the existence of SEA 94-2007 and SEA 526-2007, has had EHB 1452 under consideration and begs leave to report back to the Senate with the recommendation that EHB 1452 be corrected as follows:

In the Conference Committee Report to EHB 1452, Page 2, line 33, delete "IC 20-12-22.3" and insert "IC 21-12-9".

In the Conference Committee Report to EHB 1452, Page 2, line 36, delete "22.3." and insert "9".

In the Conference Committee Report to EHB 1452, Page 2, line 38, delete "IC 20-12-21-4." and insert "IC 21-11-2-1".

In the Conference Committee Report to EHB 1452, Page 2, line 46, delete "IC 20-12-0.5-1." and insert "IC 21-7-13-32".

In the Conference Committee Report to EHB 1452, Page 35, line 10, delete "P.L.127-2006," and insert "SEA 94-2007, SECTION 195,".

In the Conference Committee Report to EHB 1452, Page 35, line 11, delete "SECTION 3,".

In the Conference Committee Report to EHB 1452, Page 39, line 24, delete "mentally retarded".

In the Conference Committee Report to EHB 1452, Page 39, line 25, delete "or mentally or physically disabled".

LONG, Chair
R. YOUNG, R.M.M.
MILLER

Report adopted.

COMMITTEE REPORT

Madam President: Pursuant to Joint Rule 20, your Committee on Rules and Legislative Procedure, to which was referred Engrossed Senate Bill 504 because it conflicts with Senate Enrolled Act 94-2007 without properly recognizing the existence of SEA 94-2007, has had ESB 504 under consideration and begs leave to report back to the Senate with the recommendation that ESB 504 be corrected as follows:

Page 19, line 36, delete "P.L.2-2005" and insert "SEA 94-2007, SECTION 96,".

Page 19, line 37, delete "SECTION 48,".

Page 20, line 2, delete "a disabled person" and insert "an individual with a disability".

(Reference is to ESB 504 as reprinted April 10, 2007.)

LONG, Chair
R. YOUNG, R.M.M.
MILLER

Report adopted.

COMMITTEE REPORT

Madam President: Pursuant to Joint Rule 20, your Committee on Rules and Legislative Procedure, to which was referred Engrossed Senate Bill 506 because it conflicts with Senate Enrolled Act 490-2007 without properly recognizing the existence of SEA 490-2007, has had ESB 506 under consideration and begs leave to report back to the Senate with the recommendation that ESB 506 be corrected as follows:

Page 1, line 1, after "IC 25-1-2-6" insert ", AS AMENDED BY SEA 490-2007, SECTION 3,".

Page 1, line 13, delete "and" and insert ",".

Page 1, line 13, delete "." and insert ", and registered interior designers".

Page 3, line 6, delete "P.L.157-2006," and insert "SEA 490-2007,".

Page 3, line 7, delete "11," and insert "4,".

Page 3, line 11, delete "and" and insert ",".

Page 3, line 11, after "landscape architects" insert ", and registered interior designers".

Page 3, line 23, delete "(IC 25-32)".

Page 3, line 24, reset in roman "(IC 25-32-1)".

Page 4, line 13, delete "P.L.206-2005," and insert "SEA 490-2007,".

Page 4, line 14, delete "9," and insert "5,".

Page 4, line 20, delete "and" and insert ",".

Page 4, line 20, after "landscape architects" insert ", and registered interior designers".

Page 4, line 41, after "IC 25-1-7-1" insert ", AS AMENDED BY SEA 490-2007, SECTION 6,".

Page 5, line 16, delete "and" and insert ",".

Page 5, line 16, after "landscape architects" insert ", and registered interior designers".

Page 6, line 20, after "IC 25-1-8-1" insert ", AS AMENDED BY SEA 490-2007, SECTION 7,".

Page 6, line 24, delete "and" and insert ",".

Page 6, line 24, after "landscape architects" insert ", and registered interior designers".

Page 7, line 31, delete "P.L.157-2006," and insert "SEA 490-2007,".

Page 7, line 32, delete "20," and insert "8,".

Page 7, line 36, delete "and" and insert ",".

Page 7, line 36, after "landscape architects" insert ", and registered interior designers".

Page 9, line 33, after "IC 25-1-11-1" insert ", AS AMENDED BY SEA 490-2007, SECTION 9,".

Page 9, line 37, delete "and" and insert ",".

Page 9, line 37, after "landscape architects" insert ", and registered interior designers".

(Reference is to ESB 506 as reprinted April 10, 2007.)

LONG, Chair
R. YOUNG, R.M.M.
MERRITT

Report adopted.

COMMITTEE REPORT

Madam President: Pursuant to Joint Rule 20, your Committee on Rules and Legislative Procedure, to which was referred Engrossed House Bill 1019 because it conflicts with Senate Enrolled Act 94-2007 without properly recognizing the existence of SEA 94-2007, has had EHB 1019 under consideration and begs leave to report back to the Senate with the recommendation that EHB 1019 be corrected as follows:

Page 1, line 1, delete "P.L.2-2005," and insert "SEA 94-2007, SECTION 211,".

Page 1, line 2, delete "SECTION 125,".

Page 1, line 11, delete "his" and insert "the officer's".

Page 2, line 12, delete "is mentally or physically disabled" and insert "has a mental or physical disability".

Page 2, line 13, delete "mentally".

Page 2, line 14, delete "or physically disabled".

Page 2, line 14, after "person" delete "," and insert "with a mental or physical disability,".

(Reference is to EHB 1019 as reprinted April 4, 2007.)

LONG, Chair
R. YOUNG, R.M.M.
NUGENT

Report adopted.

2:50 p.m.

The Chair declared a recess until the fall of the gavel.

Recess

The Senate reconvened at 6:15 p.m., with the President of the Senate in the Chair.

SENATE MOTION

Madam President: I move that Conference Committee Report #1 to Engrossed House Bill 1379, filed April 28, 2007, be withdrawn from further consideration by the Senate.

LAWSON

Motion prevailed.

SENATE MOTION

Madam President: I move that Conference Committee Report #1 to Engrossed Senate Bill 261, filed April 26, 2007, be withdrawn from further consideration by the Senate and that the Motion to Dissent be rescinded.

HEINOLD

Motion prevailed.

SENATE MOTION

Madam President: I move that Conference Committee Report #2 to Engrossed House Bill 1566, filed April 28, 2007, be withdrawn from further consideration by the Senate.

FORD

Motion prevailed.

COMMITTEE REPORT

Pursuant to Senate Rule 83(j), your Committee on Rules and Legislative Procedure to which was referred Conference Committee Reports filed on Engrossed Senate Bills 49, 463, 310, 205, and 154 and Engrossed House Bills 1503, 1566, 1738, 1115, 1505, and 1312 has had the same under consideration and begs leave to report back to the Senate with the recommendation that said Conference

Committee Reports are eligible for consideration.

LONG, Chair

Report adopted.

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the Speaker of the House has removed Representative Pelath as a conferee on Engrossed House Bill 1824 and now appoints Representative Crooks thereon.

CLINTON MCKAY
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the Speaker of the House has removed Representative Espich as a conferee on Engrossed Senate Bill 500 and now appoints Representative Crawford thereon.

CLINTON MCKAY
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the Speaker of the House has removed Representative Torr as a conferee on Engrossed House Bill 1237 and now appoints Representative Lawson thereon.

CLINTON MCKAY
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has adopted the Conference Committee Reports on Engrossed Senate Bills 125-1, 193-1, 247-1, 250-1, 270-1, 320-1, 412-1, 461-1, and 566-1.

CLINTON MCKAY
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has adopted the Conference Committee Reports on Engrossed House Bills 1078-1, 1173-1, 1274-1, 1425-1, and 1767-1.

CLINTON MCKAY
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has accepted and approved the Joint Rule 20 correction on Engrossed House Bill 1452.

CLINTON MCKAY
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the

Senate that the House has accepted and approved the Joint Rule 20 correction on Engrossed Senate Bill 103.

CLINTON MCKAY
Principal Clerk of the House

RESOLUTIONS ON FIRST READING

Senate Resolution 47

Senate Resolution 47, introduced by Senator Alting:

A SENATE RESOLUTION congratulating the Alpha Gamma Chapter of Alpha Phi Omega on its 75th anniversary.

Whereas, Alpha Phi Omega is a National Co-ed Service Fraternity. It was founded in 1925 on the principles of the Boy Scouts of America and became co-ed in 1976. The Alpha Gamma Chapter at Purdue University celebrates its 75th anniversary in 2007;

Whereas, Alpha Phi Omega is based on the three Cardinal Principles of leadership, friendship and service. The Alpha Gamma Chapter at Purdue University has consistently been at the top level of Alpha Phi Omega chapters nationwide;

Whereas, The Alpha Gamma Chapter is the only chapter to receive the National Chapter of Excellence Award in every year in which it has been presented. This chapter consistently performs an average of 1,500 service hours each semester;

Whereas, The Alpha Gamma Chapter regularly engages in campus, community, national, scouting and blood drive service projects. These efforts include working night shifts at Lafayette Urban Ministries, assisting with the Meals on Wheels Program, and a long-term recycling project to benefit Habitat for Humanity; and

Whereas, The efforts of Alpha Phi Omega and the Alpha Gamma Chapter at Purdue University have benefitted the cities of West Lafayette and Lafayette and the State of Indiana. Alpha Gamma Chapter's 75th anniversary is worthy of recognition: Therefore,

*Be it resolved by the Senate of the
General Assembly of the State of Indiana:*

SECTION 1. That the Indiana Senate congratulates the Alpha Gamma Chapter of Alpha Phi Omega on its 75th anniversary.

SECTION 2. The Secretary of the Senate is directed to transmit a copy of this Resolution to Alpha Phi Omega National President Maggie Katz and Alpha Gamma Chapter President Patrick Higgins.

The resolution was read in full and adopted by voice vote.

Senate Resolution 60

Senate Resolution 60, introduced by Senator Drozda:

A SENATE RESOLUTION honoring GoldenVoice from St. Theodore Guerin High School.

Whereas, GoldenVoice is a select chamber chorus from St. Theodore Guerin High School in Noblesville. The group will perform at America's 400th Anniversary Weekend, commemorating the anniversary of the founding of the Jamestown settlement in Virginia;

Whereas, Members of GoldenVoice will perform in the anniversary's signature event with nationally recognized talent. They will be part of a 1,607-singer choir and perform alongside an orchestra of 400 musicians, leading up to a standalone, featured performance;

Whereas, Former U.S. Supreme Court Justice Sandra Day O'Connor will serve as Honorary Chair of the Anniversary Weekend. Other local and state dignitaries are expected to be present for this once-in-a-lifetime patriotic and musical event; and

Whereas, Members of the chorus are currently accepting donations in order to help fund their trip. The students and chaperones of GoldenVoice will leave on May 9th for Jamestown, Virginia: Therefore,

*Be it resolved by the Senate of the
General Assembly of the State of Indiana:*

SECTION 1. That the Indiana Senate honors GoldenVoice from St. Theodore Guerin High School.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to Director Mark Duray and the members of GoldenVoice.

The resolution was read in full and adopted by voice vote.

Senate Resolution 57

Senate Resolution 57, introduced by Senators Meeks and Wyss:

A SENATE RESOLUTION urging the Legislative Council to direct an Interim Study Committee to explore options for funding, upgrading, and coordinating the state's Emergency Alert System [EAS].

Whereas, At times of natural or manmade emergencies or disasters, fast methods to communicate with the public are critical;

Whereas, Amber Alerts have proven to be effective tools in recovering abducted children;

Whereas, In a time of crisis Indiana broadcasters would be the state's primary messengers to the citizens of Indiana and in a time of breakdown of other means of communication, the EAS and over-the-air broadcasters might be the only form of communication available to the Governor, Mayors, and state agencies such as Homeland Security, the Department of Health, or the State Police;

Whereas, Although the state's broadcast media are prepared to participate in the state's Emergency Alert System [EAS], the current system has significant limitations which can impede or

impair the effectiveness of communication to the public;

Whereas, Modern technology exists to solve many of the problems affecting the current Emergency Alert System; and

Whereas, Amber Alerts and other emergency notifications depend upon the Emergency Alert System for delivery of those messages to the citizens of Indiana: Therefore,

*Be it resolved by the Senate of the
General Assembly of the State of Indiana:*

SECTION 1. That the Legislative Council is urged to direct an interim study committee to explore options for funding, upgrading, and coordinating the state's Emergency Alert System.

SECTION 2. That should the topic be assigned to a committee, that committee should gather information from the various state agencies that might depend upon the Emergency Alert System for communicating with Indiana citizens in times of emergencies or during Amber Alerts, gather information from those currently part of the Emergency Alert System, explore modern technology that would significantly improve the reliability of the Emergency Alert System, and explore options for funding that technology.

SECTION 3. That should this topic be assigned, the committee shall issue a final report including their findings and recommendations when directed to do so by the Council.

The resolution was read in full and adopted by voice vote.

Senate Resolution 70

Senate Resolution 70, introduced by Senator Miller:

A RESOLUTION urging the establishment of an interim study committee to study the number of state police officers available for patrolling our highways.

Whereas, The state police officer provides a quick response to crimes in progress, accidents along the highway, and reckless or dangerous drivers in an attempt to apprehend people breaking the law and to reduce the chance of further danger to the victim;

Whereas, In order for the state police to provide these services to the citizens of Indiana, there must be a sufficient number of officers available for patrol;

Whereas, There are a number of factors, including training and education, that affect the number of officers who are available to patrol the highways of Indiana; and

Whereas, In order to make the largest number of state police officers available to patrol our roads and highways, it behooves the state to further study this issue: Therefore,

*Be it resolved by the Senate of the
General Assembly of the State of Indiana:*

SECTION 1. That the legislative council is urged to establish an

interim study committee to study the number of state police officers available for patrolling our highways.

SECTION 2. That the committee, if established, shall operate under the direction of the legislative council and that the committee shall issue a final report when directed to do so by the council.

The resolution was read in full and adopted by voice vote.

CONFERENCE COMMITTEE REPORTS

CONFERENCE COMMITTEE REPORT

EHB 1821-1

Madam President: Your Conference Committee appointed to confer with a like committee from the House upon Engrossed Senate Amendments to Engrossed House Bill 1821 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the House recede from its dissent from all Senate amendments and that the House now concur in all Senate amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 10-13-3-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 16. (a) As used in this chapter, "qualified entity" means a business or an organization, whether public, private, for-profit, nonprofit, or voluntary, that provides care or care placement services.

(b) The term includes **the following:**

(1) A business or an organization that licenses or certifies others to provide care or care placement services.

(2) A home health agency licensed under IC 16-27-1.

(3) A personal services agency licensed under IC 16-27-4.

SECTION 2. IC 10-13-3-39, AS AMENDED BY P.L.234-2005, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 39. (a) The department is designated as the authorized agency to receive requests for, process, and disseminate the results of national criminal history background checks that comply with this section and 42 U.S.C. 5119a.

(b) A qualified entity may contact the department to request a national criminal history background check on any of the following persons:

(1) A person who seeks to be or is employed with the qualified entity. A request under this subdivision must be made not later than three (3) months after the person is initially employed by the qualified entity.

(2) A person who seeks to volunteer or is a volunteer with the qualified entity. A request under this subdivision must be made not later than three (3) months after the person initially volunteers with the qualified entity.

(c) A qualified entity must submit a request under subsection (b) in the form required by the department and provide a set of the person's fingerprints and any required fees with the request.

(d) If a qualified entity makes a request in conformity with subsection (b), the department shall submit the set of fingerprints provided with the request to the Federal Bureau of Investigation for a national criminal history background check for convictions

described in IC 20-26-5-11. The department shall respond to the request in conformity with:

- (1) the requirements of 42 U.S.C. 5119a; and
 - (2) the regulations prescribed by the Attorney General of the United States under 42 U.S.C. 5119a.
- (e) This subsection:
- (1) applies to a qualified entity that:
 - (1) ~~(A)~~ is not a school corporation or a special education cooperative; or
 - (2) ~~(B)~~ is a school corporation or a special education cooperative and seeks a national criminal history background check for a volunteer; **and**
 - (2) **does not apply to a qualified entity that is a:**
 - (A) **home health agency licensed under IC 16-27-1; or**
 - (B) **personal services agency licensed under IC 16-27-4.**

After receiving the results of a national criminal history background check from the Federal Bureau of Investigation, the department shall make a determination whether the applicant has been convicted of an offense described in IC 20-26-5-11 and convey the determination to the requesting qualified entity.

- (f) This subsection applies to a qualified entity that:
- (1) is a school corporation or a special education cooperative; and
 - (2) seeks a national criminal history background check to determine whether to employ or continue the employment of a certificated employee or a noncertificated employee of a school corporation or an equivalent position with a special education cooperative.

After receiving the results of a national criminal history background check from the Federal Bureau of Investigation, the department may exchange identification records concerning convictions for offenses described in IC 20-26-5-11 with the school corporation or special education cooperative solely for purposes of making an employment determination. The exchange may be made only for the official use of the officials with authority to make the employment determination. The exchange is subject to the restrictions on dissemination imposed under P.L.92-544, (86 Stat. 1115) (1972).

(g) This subsection applies to a qualified entity (as defined in IC 10-13-3-16) that is a public agency under IC 5-14-1.5-2(a)(1). After receiving the results of a national criminal history background check from the Federal Bureau of Investigation, the department shall provide a copy to the public agency. Except as permitted by federal law, the public agency may not share the information contained in the national criminal history background check with a private agency.

- (h) **This subsection applies to a qualified entity that is a:**
- (1) **home health agency licensed under IC 16-27-1; or**
 - (2) **personal services agency licensed under IC 16-27-4.**

After receiving the results of a national criminal history background check from the Federal Bureau of Investigation, the department shall make a determination whether the applicant has been convicted of an offense described in IC 16-27-2-5(a) and convey the determination to the requesting qualified entity.

SECTION 3. IC 12-10-17.1-7, AS ADDED BY P.L.141-2006, SECTION 44, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 7. As used in this chapter, "licensed health professional" means any of the following:

- (1) A registered nurse.
- (2) A licensed practical nurse.
- (3) A physician with an unlimited license to practice medicine or osteopathic medicine.
- (4) A licensed dentist.
- (5) A licensed chiropractor.
- (6) A licensed optometrist.
- (7) A licensed pharmacist.
- (8) A licensed physical therapist.
- (9) A ~~certified~~ **licensed** occupational therapist.
- (10) A certified psychologist.
- (11) A licensed podiatrist.
- (12) A licensed speech-language pathologist or audiologist.

SECTION 4. IC 16-18-2-244.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 244.5. "National criminal history background check", for purposes of IC 16-27-2, has the meaning set forth in IC 16-27-2-2.1.**

SECTION 5. IC 16-27-0.5-1, AS AMENDED BY P.L.152-2005, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1. (a) The home health care services and hospice services council is established.

- (b) The council consists of sixteen (16) members as follows:
- (1) One (1) licensed physician experienced in home health care.
 - (2) One (1) licensed physician with certification in hospice and palliative medicine.
 - (3) Four (4) individuals as follows:
 - (A) One (1) individual engaged in the administration of a nonhospital based home health agency.
 - (B) One (1) individual engaged in the administration of a hospital based home health agency.
 - (C) One (1) individual engaged in the administration of:
 - (i) a nonhospital based hospice; or
 - (ii) a hospice licensed under IC 16-25-3 that provides in-patient care.
 - (D) One (1) individual engaged in the administration of a hospital based hospice.
 - (4) One (1) registered nurse who is licensed under IC 25-23 and experienced in home health care.
 - (5) One (1) registered nurse who is licensed under IC 25-23 with certification in hospice and palliative medicine.
 - (6) One (1):
 - (A) physical therapist licensed under IC 25-27;
 - (B) occupational therapist ~~certified~~ **licensed** under IC 25-23.5; or
 - (C) speech-language pathologist licensed under IC 25-35.6;
 experienced in home health care.
 - (7) One (1) citizen having knowledge of or experience in hospice care.
 - (8) One (1) citizen having knowledge of or experience in home health agency care.
 - (9) One (1) registered pharmacist who is licensed under IC 25-26 with experience in hospice and palliative medicine.
 - (10) One (1) respiratory care practitioner who is licensed under IC 25-34.5 and experienced in home care.

(11) One (1) individual who is a bereavement counselor with experience in hospice care.

(12) The commissioner or the commissioner's designee.

(13) The secretary of family and social services or the secretary's designee.

(c) The governor shall appoint the members of the council designated by subsection (b)(1) through (b)(11).

(d) Except for the members of the council designated by subsection (b)(12) through (b)(13), all appointments are for four (4) years. If a vacancy occurs, the appointee serves for the remainder of the unexpired term. A vacancy shall be filled from the same group that was represented by the outgoing member.

(e) Except for the members of the council designated by subsection (b)(3), a member of the council may not:

(1) have an ownership interest in the operation of; or

(2) serve as a voting member on the governing body of; a home health agency licensed under this article or a hospice licensed under IC 16-25.

SECTION 6. IC 16-27-1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1. As used in this chapter, "health care professional" means any of the following:

(1) A licensed physician.

(2) A licensed dentist.

(3) A licensed chiropractor.

(4) A licensed podiatrist.

(5) A licensed optometrist.

(6) A nurse licensed under IC 25-23-1.

(7) A physical therapist licensed under IC 25-27 or a physical therapy assistant certified under IC 25-27.

(8) A speech-language pathologist or an audiologist licensed under IC 25-35.6-3.

(9) A speech-language pathology aide or an audiology aide (as defined in IC 25-35.6-1-2).

(10) An:

(A) occupational therapist **licensed**; or

(B) occupational ~~therapist~~ **therapy** assistant certified; under IC 25-23.5.

(11) A social worker licensed under IC 25-23.6 or a social work assistant.

(12) A pharmacist licensed under IC 25-26-13.

SECTION 7. IC 16-27-2-1, AS AMENDED BY HEA 1241-2007, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1. As used in this chapter, "health care professional" means any of the following:

(1) A licensed physician or a physician assistant (as defined in IC 25-22.5-1-1.1).

(2) A dentist licensed under IC 25-14.

(3) A chiropractor licensed under IC 25-10-1.

(4) A podiatrist licensed under IC 25-29.

(5) An optometrist licensed under IC 25-24.

(6) A nurse licensed under IC 25-23-1.

(7) A physical therapist licensed under IC 25-27 or a physical therapy assistant certified under IC 25-27.

(8) A speech-language pathologist or an audiologist licensed under IC 25-35.6-3.

(9) A speech-language pathology aide or an audiology aide (as defined in IC 25-35.6-1-2).

(10) An:

(A) occupational therapist **licensed**; or

(B) occupational ~~therapist~~ **therapy** assistant **certified**; ~~certified~~ under IC 25-23.5.

(11) A social worker licensed under IC 25-23.6 or a clinical social worker licensed under IC 25-23.6.

(12) A pharmacist licensed under IC 25-26-13.

SECTION 8. IC 16-27-2-2.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2.1. As used in this chapter, **"national criminal history background check" has the meaning set forth in IC 10-13-3-12.**

SECTION 9. IC 16-27-2-4, AS AMENDED BY P.L.212-2005, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 4. (a) A person who operates a home health agency under IC 16-27-1 or a personal services agency under IC 16-27-4 shall apply, not more than three (3) business days after the date that an employee begins to provide services in a patient's temporary or permanent residence, for a ~~copy of~~ **determination concerning** the employee's ~~limited~~ **national criminal history background check** from the Indiana central repository for criminal history information under ~~IC 10-13-3-39~~ **IC 10-13-3-39.**

(b) A home health agency or personal services agency may not employ a person to provide services in a patient's or client's temporary or permanent residence for more than three (3) business days without applying for a **determination concerning** that person's ~~limited~~ **national criminal history background check** as required by subsection (a).

SECTION 10. IC 16-27-2-5, AS AMENDED BY P.L.212-2005, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 5. (a) Except as provided in subsection (b), a person who operates a home health agency under IC 16-27-1 or a personal services agency under IC 16-27-4 may not employ a person to provide services in a patient's or client's temporary or permanent residence if a **determination of** that person's ~~limited~~ **national criminal history background check** indicates that the person has been convicted of any of the following:

(1) Rape (IC 35-42-4-1).

(2) Criminal deviate conduct (IC 35-42-4-2).

(3) Exploitation of an endangered adult (IC 35-46-1-12).

(4) Failure to report battery, neglect, or exploitation of an endangered adult (IC 35-46-1-13).

(5) Theft (IC 35-43-4), if the conviction for theft occurred less than ten (10) years before the person's employment application date.

(b) A home health agency or personal services agency may not employ a person to provide services in a patient's or client's temporary or permanent residence for more than twenty-one (21) calendar days without receipt of a **determination of** that person's ~~limited~~ **national criminal history background check** required by section 4 of this chapter, unless **either the Indiana central repository for criminal history information under IC 10-13-3-39 state police department or the Federal Bureau of Investigation under IC 10-13-3-39 is solely** responsible for failing to provide the **determination of** the person's ~~limited~~ **national criminal history background check** to the home health agency or personal services

agency within the time required under this subsection.

SECTION 11. IC 16-27-2-6, AS AMENDED BY P.L.212-2005, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 6. (a) A person who operates a home health agency or a personal services agency under IC 16-27-4 is responsible for the payment of fees under ~~IC 10-13-3-30~~ **IC 10-13-3-39** and other fees required under section 4 of this chapter.

(b) A home health agency or personal services agency may require a person who applies to the home health agency or personal services agency for employment to provide services in a patient's or client's temporary or permanent residence:

- (1) to pay the cost of fees described in subsection (a) to the home health agency or personal services agency at the time the person submits an application for employment; or
- (2) to reimburse the home health agency or personal services agency for the cost of fees described in subsection (a).

SECTION 12. IC 20-12-21.7-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 8. (a) The commission for higher education under IC 20-12-0.5 shall provide the commission with the most recent information concerning:

- (1) the number of minority students enrolled at each eligible institution; and
- (2) the number of individuals who are:
 - (A) enrolled at each eligible institution; and
 - (B) pursuing a course of study that would enable the student, upon graduation, to be:
 - (i) licensed to teach special education in an accredited school; or
 - (ii) ~~certified~~ **licensed** to practice occupational therapy or licensed to practice physical therapy in an accredited school, in a vocational rehabilitation center under IC 12-12-1-4.1(a)(1), or in a community mental retardation or other developmental disabilities center under IC 12-29 as part of the special education program.

(b) The commission shall allocate the available money from the fund to each eligible institution in proportion to the number of minority students enrolled at each eligible institution as described in subsection (a) based upon the information received by the commission under subsection (a).

(c) Each eligible institution shall determine the scholarship recipients under this chapter:

- (1) based upon the criteria set forth in section 9 of this chapter or section 9.1 of this chapter, whichever applies, and the rules adopted by the commission under section 12 of this chapter; and
- (2) with a priority on granting scholarships in the following order:
 - (A) Minority students seeking a renewal scholarship.
 - (B) Newly enrolling minority students.
 - (C) Special education services students seeking a renewal scholarship.
 - (D) Newly enrolling special education services students.

However, the eligible institution may not grant a scholarship renewal to a student for an academic year that ends later than six (6) years after the date the student received the initial scholarship under this chapter.

(d) Any funds that:

- (1) are allocated to an eligible institution; and
 - (2) are not utilized for scholarships under this chapter;
- shall be returned to the commission for reallocation by the commission to any other eligible institution in need of additional funds.

SECTION 13. IC 20-12-21.7-9.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 9.1. (a) To initially qualify for a scholarship from the fund as the fund pertains to individuals described in section 8(a)(2) of this chapter, an individual must:

- (1) be admitted to an eligible institution of higher learning as a full-time student or be attending an eligible institution of higher learning as a full-time student;
- (2) intend to pursue or, in the case of a student who is attending an eligible institution of higher learning, pursue a course of study that would enable the student, upon graduation:

(A) to be licensed to teach special education in an accredited school under rules adopted by the Indiana state board of education;

(B) to be ~~certified~~ **licensed** to practice occupational therapy:

- (i) in an accredited school;
- (ii) in a vocational rehabilitation center under IC 12-12-1-4.1(a)(1); or
- (iii) in a community mental retardation or other developmental disabilities center under IC 12-29 except IC 12-29-3-6; or

(C) to be licensed to practice physical therapy:

- (i) in an accredited school;
- (ii) in a vocational rehabilitation center under IC 12-12-1-4.1(a)(1); or
- (iii) in a community mental retardation or other developmental disabilities center under IC 12-29 except IC 12-29-3-6;

(3) agree, in writing, to:

(A) teach in an accredited school; or

(B) practice occupational therapy or physical therapy, whichever applies:

- (i) in an accredited school in Indiana;
- (ii) in a vocational rehabilitation center under IC 12-12-1-4.1(a)(1); or
- (iii) in a community mental retardation or other developmental disabilities center under IC 12-29 except IC 12-29-3-6;

at least three (3) of the first five (5) years following the student's licensure as a teacher, ~~certification~~ **licensure** as an occupational therapist, or licensure as a physical therapist; and

(4) meet any other minimum criteria established by the commission.

(b) To qualify for a scholarship renewal from the fund under this section, the individual must:

- (1) comply with the criteria set forth in subsection (a); and
- (2) maintain at least the cumulative grade point average:
 - (A) that is required by an eligible institution for admission to the eligible institution's school of education; or

(B) of 2.0 on a 4.0 grading scale or its equivalent as established by the eligible institution if the eligible institution's school of education does not require a certain minimum cumulative grade point average.

SECTION 14. IC 20-28-1-11, AS AMENDED BY SEA 94-2007, SECTION 177, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 11. "School psychology" means the following:

(1) Administering, scoring, and interpreting educational, cognitive, career, vocational, behavioral, and affective tests and procedures that address a student's:

- (A) education;
- (B) developmental status;
- (C) attention skills; and
- (D) social, emotional, and behavioral functioning;

as they relate to the student's learning or training in the academic or vocational environment.

(2) Providing consultation, collaboration, and intervention services (not including psychotherapy) and providing referral to community resources to:

- (A) students;
- (B) parents of students;
- (C) teachers;
- (D) school administrators; and
- (E) school staff;

concerning learning and performance in the educational process.

(3) Participating in or conducting research relating to a student's learning and performance in the educational process:

- (A) regarding the educational, developmental, career, vocational, or attention functioning of the student; or
- (B) screening social, affective, and behavioral functioning of the student.

(4) Providing inservice or continuing education services relating to learning and performance in the educational process to schools, parents, or others.

(5) Supervising school psychology services.

(6) Referring a student to:

- (A) a speech-language pathologist or an audiologist licensed under IC 25-35.6 for services for speech, hearing, and language disorders; or
- (B) an occupational therapist ~~certified~~ **licensed** under IC 25-23.5 for occupational therapy services;

by a school psychologist who is employed by a school corporation and who is defined as a practitioner of the healing arts for the purpose of referrals under 42 CFR 440.110.

The term does not include the diagnosis or treatment of mental and nervous disorders, except for conditions and interventions provided for in state and federal mandates affecting special education and vocational evaluations as the evaluations relate to the assessment of handicapping conditions and special education decisions or as the evaluations pertain to the placement of children and the placement of adults with a developmental disability.

SECTION 15. IC 21-13-2-5, AS ADDED BY SEA 526-2007, SECTION 254, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 5. An individual qualifies for an initial scholarship from the fund if the individual:

(1) is admitted to an eligible institution as a full-time student or is attending an eligible institution as a full-time student;

(2) either intends to pursue or, in the case of a student who is attending an eligible institution, pursues a course of study that would enable the student, upon graduation, to be:

(A) licensed to teach special education in an accredited school under rules adopted by the Indiana state board of education;

(B) ~~certified~~ **licensed** to practice occupational therapy:

- (i) in an accredited school;
- (ii) in a vocational rehabilitation center under IC 12-12-1-4.1(a)(1); or
- (iii) in a community mental retardation or other developmental disabilities center under IC 12-29 except IC 12-29-3-6; or

(C) licensed to practice physical therapy:

- (i) in an accredited school;
- (ii) in a vocational rehabilitation center under IC 12-12-1-4.1(a)(1); or
- (iii) in a community mental retardation or other developmental disabilities center under IC 12-29 except IC 12-29-3-6;

(3) agrees in writing to:

(A) teach in an accredited school; or

(B) practice occupational therapy or physical therapy, whichever applies:

- (i) in an accredited school in Indiana;
- (ii) in a vocational rehabilitation center under IC 12-12-1-4.1(a)(1); or
- (iii) in a community mental retardation or other developmental disabilities center under IC 12-29 except IC 12-29-3-6;

for at least three (3) of the first five (5) years following the student's licensure as a teacher, ~~certification~~ **licensure** as an occupational therapist, or licensure as a physical therapist; and

(4) meets any other minimum criteria established by the commission.

SECTION 16. IC 21-13-2-10, AS ADDED BY SEA 526-2007, SECTION 254, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 10. The commission for higher education shall provide the commission with the most recent information concerning:

(1) the number of minority students enrolled at each eligible institution; and

(2) the number of individuals who are:

(A) enrolled at each eligible institution; and

(B) pursuing a course of study that would enable the student, upon graduation, to be:

- (i) licensed to teach special education in an accredited school; or
- (ii) ~~certified~~ **licensed** to practice occupational therapy or licensed to practice physical therapy in an accredited school, in a vocational rehabilitation center under IC 12-12-1-4.1(a)(1), or in a community mental retardation or other developmental disabilities center under IC 12-29 as part of the special education program.

SECTION 17. IC 25-1-4-5, AS ADDED BY P.L.157-2006, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 5. (a) Notwithstanding any other law, if the board determines that a practitioner has not complied with this chapter **or IC 25-1-8-6** at the time that the practitioner applies for license renewal **or reinstatement** or after an audit conducted under section 3 of this chapter, the board shall do the following:

- (1) Send the practitioner notice of noncompliance by certified mail.
- (2) As a condition of license renewal **or reinstatement**, require the practitioner to comply with subsection (b).
- (3) **For license renewal**, issue a conditional license to the practitioner that is effective until the practitioner complies with subsection (b).
- (b) Upon receipt of a notice of noncompliance under subsection (a), a practitioner shall do either of the following:
 - (1) If the practitioner believes that the practitioner has complied with this chapter **or IC 25-1-8-6, if applicable**, within twenty-one (21) days of receipt of the notice, send written notice to the board requesting a review so that the practitioner may submit proof of compliance.
 - (2) If the practitioner does not disagree with the board's determination of noncompliance, do the following:
 - (A) Except as provided in subsection (d), pay to the board a civil penalty not to exceed one thousand dollars (\$1,000) within twenty-one (21) days of receipt of the notice.
 - (B) Acquire, within six (6) months after receiving the notice, the number of credit hours needed to achieve full compliance.
 - (C) Comply with all other provisions of this chapter.
- (c) If a practitioner fails to comply with subsection (b), the board shall immediately suspend **or refuse to reinstate** the license of the practitioner and send notice of the suspension **or refusal** to the practitioner by certified mail.
- (d) If the board determines that a practitioner has knowingly or intentionally made a false or misleading statement to the board concerning compliance with the continuing education requirements, in addition to the requirements under this section the board may impose a civil penalty of not more than five thousand dollars (\$5,000) under subsection (b)(2)(A).

(e) The board shall:

- (1) reinstate a ~~practitioner suspended under subsection (c);~~ **practitioner's license**; or
- (2) renew the practitioner's license in place of the conditional license issued under subsection (a)(3);

if the practitioner supplies proof of compliance with this chapter under subsection (b)(1) **or IC 25-1-8-6, if applicable**.

SECTION 18. IC 25-1-4-6, AS ADDED BY P.L.157-2006, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 6. (a) Notwithstanding any other law, if at the time a practitioner applies for license renewal **or reinstatement** or after an audit conducted under section 3 of this chapter, the board determines that the practitioner has failed to comply with this chapter **or IC 25-1-8-6, if applicable**, and the practitioner has previously received a notice of noncompliance under section 5(a) of this chapter during the preceding license

period, the board shall do the following:

- (1) Provide the practitioner notice of noncompliance by certified mail.
- (2) Deny the practitioner's application for license renewal **or reinstatement**.
- (b) The board shall reinstate a license not renewed under subsection (a) upon occurrence of the following:
 - (1) Payment by a practitioner to the board of a civil penalty determined by the board, but not to exceed one thousand dollars (\$1,000).
 - (2) Acquisition by the practitioner of the number of credit hours required to be obtained by the practitioner during the relevant license period.
 - (3) The practitioner otherwise complies with this chapter.

SECTION 19. IC 25-1-8-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. (a) Notwithstanding any other provision regarding the fees to be assessed by a board, a board shall establish by rule and cause to be collected fees for the following:

- (1) Examination of applicants for licensure, registration, or certification.
 - (2) Issuance, renewal, or transfer of a license, registration, or certificate.
 - (3) Restoration of an expired license, registration, or certificate when such action is authorized by law.
 - (4) Issuance of licenses by reciprocity or endorsement for out-of-state applicants.
 - (5) Issuance of board or committee reciprocity or endorsements for practitioners licensed, certified, or registered in Indiana who apply to another state for a license.
- No fee shall be less than ten dollars (\$10) unless the fee is collected under a rule adopted by the board which sets a fee for miscellaneous expenses incurred by the board on behalf of the practitioners the board regulates.

(b) Fees established by statute shall remain in effect until replaced by a new fee adopted by rule under this section.

(c) In no case shall the fees be less than are required to pay all of the costs, both direct and indirect, of the operation of the board.

(d) For the payment of fees, a board shall accept cash, a draft, a money order, a cashier's check, and a certified or other personal check. If a board receives an uncertified personal check for the payment of a fee and if the check does not clear the bank, the board may void the license, registration, or certificate for which the check was received.

(e) Unless designated by rule, a fee is not refundable.

(f) A board shall charge a fee of not more than ~~ten dollars (\$10)~~ **twenty-five dollars (\$25)** for the issuance of a duplicate license, registration, or certificate.

SECTION 20. IC 25-1-8-6, AS AMENDED BY SEA 490-2007, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 6. (a) As used in this section, "board" means any of the following:

- (1) Indiana board of accountancy (IC 25-2.1-2-1).
- (2) Board of registration for architects, landscape architects, and registered interior designers (IC 25-4-1-2).
- (3) Indiana athletic trainers board (IC 25-5.1-2-1).
- (4) Indiana auctioneer commission (IC 25-6.1-2-1).

- (5) State board of barber examiners (IC 25-7-5-1).
- (6) State boxing commission (IC 25-9-1).
- (7) Board of chiropractic examiners (IC 25-10-1).
- (8) State board of cosmetology examiners (IC 25-8-3-1).
- (9) State board of dentistry (IC 25-14-1).
- (10) Indiana dietitians certification board (IC 25-14.5-2-1).
- (11) State board of registration for professional engineers (IC 25-31-1-3).
- (12) Board of environmental health specialists (IC 25-32-1).
- (13) State board of funeral and cemetery service (IC 25-15-9).
- (14) Indiana state board of health facility administrators (IC 25-19-1).
- (15) Committee on hearing aid dealer examiners (IC 25-20-1-1.5).
- (16) Home inspectors licensing board (IC 25-20.2-3-1).
- (17) Indiana hypnotist committee (IC 25-20.5-1-7).
- (18) State board of registration for land surveyors (IC 25-21.5-2-1).
- (19) Manufactured home installer licensing board (IC 25-23.7).
- (20) Medical licensing board of Indiana (IC 25-22.5-2).
- (21) Indiana state board of nursing (IC 25-23-1).
- (22) Occupational therapy committee (IC 25-23.5).
- (23) Indiana optometry board (IC 25-24).
- (24) Indiana board of pharmacy (IC 25-26).
- (25) Indiana physical therapy committee (IC 25-27).
- (26) Physician assistant committee (IC 25-27.5).
- (27) Indiana plumbing commission (IC 25-28.5-1-3).
- (28) Board of podiatric medicine (IC 25-29-2-1).
- (29) Private detectives licensing board (IC 25-30-1-5.1).
- (30) State psychology board (IC 25-33).
- (31) Indiana real estate commission (IC 25-34.1-2).
- (32) Real estate appraiser licensure and certification board (IC 25-34.1-8).
- (33) Respiratory care committee (IC 25-34.5).
- (34) Social worker, marriage and family therapist, and mental health counselor board (IC 25-23.6).
- (35) Speech-language pathology and audiology board (IC 25-35.6-2).
- (36) Indiana board of veterinary medical examiners (IC 15-5-1.1).

(b) This section does not apply to a license, certificate, or registration that has been revoked or suspended.

(c) Notwithstanding any other law regarding the reinstatement of a delinquent or lapsed license, certificate, or registration **and except as provided in section 8 of this chapter**, the holder of a license, certificate, or registration that was issued by the board that is three (3) years or less delinquent must be reinstated upon meeting the following requirements:

- (1) Submission of the holder's completed renewal application.
- (2) Payment of the current renewal fee established by the board under section 2 of this chapter.
- (3) Payment of a reinstatement fee established by the Indiana professional licensing agency.
- (4) If a law requires the holder to complete continuing education as a condition of renewal, the holder:

(A) shall provide the board with a sworn statement, signed

by the holder, that the holder has fulfilled the continuing education requirements required by the board; ~~for the current renewal period; or~~

(B) shall, if the holder has not complied with the continuing education requirements, meet any requirements imposed under IC 25-1-4-5 and IC 25-1-4-6.

(d) Notwithstanding any other law regarding the reinstatement of a delinquent or lapsed license, certificate, or registration **and except as provided in section 8 of this chapter**, unless a statute specifically does not allow a license, certificate, or registration to be reinstated if it has lapsed for more than three (3) years, the holder of a license, certificate, or registration that was issued by the board that is more than three (3) years delinquent must be reinstated upon meeting the following requirements:

- (1) Submission of the holder's completed renewal application.
- (2) Payment of the current renewal fee established by the board under section 2 of this chapter.
- (3) Payment of a reinstatement fee equal to the current initial application fee.
- (4) If a law requires the holder to complete continuing education as a condition of renewal, the holder:

(A) shall provide the board with a sworn statement, signed by the holder, that the holder has fulfilled the continuing education requirements required by the board; ~~for the current renewal period; or~~

(B) shall, if the holder has not complied with the continuing education requirements, meet any requirements imposed under IC 25-1-4-5 and IC 25-1-4-6.

(5) Complete such remediation and additional training as deemed appropriate by the board given the lapse of time involved.

(6) Any other requirement that is provided for in statute or rule that is not related to fees.

SECTION 21. IC 25-1-8-8 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 8. (a) As used in this section, "board" has the meaning set forth in section 6(a) of this chapter.**

(b) The licensing agency may delay reinstating a license, certificate, or registration for not more than ninety (90) days after the date the applicant applies for reinstatement of a license, certificate, or registration to permit the board to investigate information received by the licensing agency that the applicant for reinstatement may have committed an act for which the applicant may be disciplined. If the licensing agency delays reinstating a license, certificate, or registration, the licensing agency shall notify the applicant that the applicant is being investigated. Except as provided in subsection (c), the board shall do one (1) of the following before the expiration of the ninety (90) day period:

- (1) Deny reinstatement of the license, certificate, or registration following a personal appearance by the applicant before the board.**
- (2) Reinstatement of the license, certificate, or registration upon satisfaction of all other requirements for reinstatement.**

(3) Reinstate the license and file a complaint under IC 25-1-7.

(4) Request the office of the attorney general to conduct an investigation under subsection (d) if, following a personal appearance by the applicant before the board, the board has good cause to believe that the applicant engaged in activity described in IC 25-1-9-4 or IC 25-1-11-5.

(5) Upon agreement of the applicant and the board and following a personal appearance by the applicant before the board, reinstate the license, certificate, or registration and place the applicant on probation status under IC 25-1-9-9 or IC 25-1-11-12.

(c) If an applicant fails to appear before the board under subsection (b), the board may take action as provided in subsection (b)(1), (b)(2), or (b)(3).

(d) If the board makes a request under subsection (b)(4), the office of the attorney general shall conduct an investigation. Upon completion of the investigation, the office of the attorney general may file a petition alleging that the applicant has engaged in activity described in IC 25-1-9-4 or IC 25-1-11-5. If the office of the attorney general files a petition, the board shall set the matter for a public hearing. If, after a public hearing, the board finds that the applicant violated IC 25-1-9-4 or IC 25-1-11-5, the board may impose sanctions under IC 25-1-9-9 or IC 25-1-11-12. The board may delay reinstating a license, certificate, or registration beyond ninety (90) days after the date the applicant files an application for reinstatement of a license, certificate, or registration until a final determination is made by the board.

(e) The license, certificate, or registration of the applicant for license reinstatement remains invalid during the ninety (90) day period unless:

- (1) the license, certificate, or registration is reinstated following a personal appearance by the applicant before the board before the end of the ninety (90) day period;
- (2) the board issues a conditional license to the practitioner that is effective until the reinstatement is denied or the license is reinstated; or
- (3) the reinstatement is denied.

If the ninety (90) day period expires without action by the board, the license, certificate, or registration shall be automatically reinstated at the end of the ninety (90) day period.

SECTION 22. IC 25-1-9-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 4. (a) A practitioner shall conduct the practitioner's practice in accordance with the standards established by the board regulating the profession in question and is subject to the exercise of the disciplinary sanctions under section 9 of this chapter if, after a hearing, the board finds:

- (1) a practitioner has:
 - (A) engaged in or knowingly cooperated in fraud or material deception in order to obtain a license to practice, **including cheating on a licensing examination;**
 - (B) engaged in fraud or material deception in the course of professional services or activities; ~~or~~
 - (C) advertised services in a false or misleading manner; **or**
 - (D) **been convicted of a crime or assessed a civil**

penalty involving fraudulent billing practices, including fraud under:

- (i) Medicaid (42 U.S.C. 1396 et seq.);
- (ii) Medicare (42 U.S.C. 1395 et seq.);
- (iii) the children's health insurance program under IC 12-17.6; or
- (iv) insurance claims;

(2) a practitioner has been convicted of a crime that:

- (A) has a direct bearing on the practitioner's ability to continue to practice competently; **or**
- (B) **is harmful to the public;**

(3) a practitioner has knowingly violated any state statute or rule, or federal statute or regulation, regulating the profession in question;

(4) a practitioner has continued to practice although the practitioner has become unfit to practice due to:

- (A) professional incompetence that:
 - (i) may include the undertaking of professional activities that the practitioner is not qualified by training or experience to undertake; and
 - (ii) does not include activities performed under IC 16-21-2-9;
- (B) failure to keep abreast of current professional theory or practice;
- (C) physical or mental disability; or
- (D) addiction to, abuse of, or severe dependency upon alcohol or other drugs that endanger the public by impairing a practitioner's ability to practice safely;

(5) a practitioner has engaged in a course of lewd or immoral conduct in connection with the delivery of services to the public;

(6) a practitioner has allowed the practitioner's name or a license issued under this chapter to be used in connection with an individual who renders services beyond the scope of that individual's training, experience, or competence;

(7) a practitioner has had disciplinary action taken against the practitioner or the practitioner's license to practice in any ~~other~~ state or jurisdiction on grounds similar to those under this chapter;

(8) a practitioner has diverted:

- (A) a legend drug (as defined in IC 16-18-2-199); or
- (B) any other drug or device issued under a drug order (as defined in IC 16-42-19-3) for another person;

(9) a practitioner, except as otherwise provided by law, has knowingly prescribed, sold, or administered any drug classified as a narcotic, addicting, or dangerous drug to a habitue or addict;

(10) a practitioner has failed to comply with an order imposing a sanction under section 9 of this chapter;

(11) a practitioner has engaged in sexual contact with a patient under the practitioner's care or has used the practitioner-patient relationship to solicit sexual contact with a patient under the practitioner's care; ~~or~~

(12) a practitioner who is a participating provider of a health maintenance organization has knowingly collected or attempted to collect from a subscriber or enrollee of the health maintenance organization any sums that are owed by the health maintenance organization; **or**

(13) a practitioner has assisted another person in committing an act that would be grounds for disciplinary sanctions under this chapter.

(b) A practitioner who provides health care services to the practitioner's spouse is not subject to disciplinary action under subsection (a)(11).

(c) A certified copy of the record of disciplinary action is conclusive evidence of the other jurisdiction's disciplinary action under subsection (a)(7).

SECTION 23. IC 25-1-9-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 16. (a) The board may refuse to issue a license or may issue a probationary license to an applicant for licensure if:

- (1) the applicant has been disciplined by a licensing entity of ~~another~~ any state or jurisdiction, or has committed an act that would have subjected the applicant to the disciplinary process had the applicant been licensed in Indiana when the act occurred; and
- (2) the violation for which the applicant was, or could have been, disciplined has a direct bearing on the applicant's ability to competently practice in Indiana.

(b) The board may:

- (1) refuse to issue a license; or**
- (2) issue a probationary license;**

to an applicant for licensure if the applicant practiced without a license in violation of the law.

~~(b)~~ (c) Whenever the board issues a probationary license, the board may impose one (1) or more of the following conditions:

- (1) Report regularly to the board upon the matters that are the basis of the discipline of the other state or jurisdiction.
- (2) Limit practice to those areas prescribed by the board.
- (3) Continue or renew professional education.
- (4) Engage in community restitution or service without compensation for a number of hours specified by the board.
- (5) Perform or refrain from performing an act that the board considers appropriate to the public interest or to the rehabilitation or treatment of the applicant.

~~(c)~~ (d) The board shall remove any limitations placed on a probationary license under this section if the board finds after a hearing that the deficiency that required disciplinary action has been remedied.

SECTION 24. IC 25-1-11-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 5. (a) A practitioner shall comply with the standards established by the board regulating a profession. A practitioner is subject to the exercise of the disciplinary sanctions under section 12 of this chapter if, after a hearing, the board finds that:

- (1) a practitioner has:
 - (A) engaged in or knowingly cooperated in fraud or material deception in order to obtain a license to practice, including cheating on a licensing examination;
 - (B) engaged in fraud or material deception in the course of professional services or activities; ~~or~~
 - (C) advertised services or goods in a false or misleading manner; ~~or~~
 - (D) been convicted of a crime or assessed a civil penalty involving fraudulent billing practices;**

(2) a practitioner has been convicted of a crime that:

- (A) has a direct bearing on the practitioner's ability to continue to practice competently; or**
- (B) is harmful to the public;**

(3) a practitioner has knowingly violated a state statute or rule or federal statute or regulation regulating the profession for which the practitioner is licensed;

(4) a practitioner has continued to practice although the practitioner has become unfit to practice due to:

- (A) professional incompetence, including undertaking professional activities that the practitioner is not qualified by training or experience to undertake;**
- (B) failure to keep abreast of current professional theory or practice;**
- (C) physical or mental disability; or**
- (D) addiction to, abuse of, or severe dependency on alcohol or other drugs that endanger the public by impairing a practitioner's ability to practice safely;**

(5) a practitioner has engaged in a course of lewd or immoral conduct in connection with the delivery of services to the public;

(6) a practitioner has allowed the practitioner's name or a license issued under this chapter to be used in connection with an individual or business who renders services beyond the scope of that individual's or business's training, experience, or competence;

(7) a practitioner has had disciplinary action taken against the practitioner or the practitioner's license to practice in ~~another~~ any state or jurisdiction on grounds similar to those under this chapter;

(8) a practitioner has assisted another person in committing an act that would constitute a ground for disciplinary sanction under this chapter; ~~or~~

(9) a practitioner has allowed a license issued by a board to be:

- (A) used by another person; or**
- (B) displayed to the public when the license has expired, is inactive, or has been revoked or suspended; or**

(10) a practitioner has failed to comply with an order imposing a sanction under section 12 of this chapter.

(b) If an applicant or a practitioner has engaged in or knowingly cooperated in fraud or material deception to obtain a license to practice, including cheating on the licensing examination, the board may rescind the license if it has been granted, void the examination or other fraudulent or deceptive material, and prohibit the applicant from reapplying for the license for a length of time established by the board. An applicant who is aggrieved by a decision of the board under this section is entitled to hearing and appeal rights under the Indiana administrative rules and procedures act (IC 4-21.5).

~~(c) The board may deny licensure to an applicant who has had disciplinary action taken against the applicant or the applicant's license to practice in another state or jurisdiction or who has practiced without a license in violation of the law.~~

~~(d)~~ (c) A certified copy of the record of disciplinary action is conclusive evidence of the other jurisdiction's disciplinary action under subsection (a)(7). ~~or subsection (c):~~

SECTION 25. IC 25-1-11-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 13. (a) The board may summarily suspend a practitioner's license for ninety (90) days before a final adjudication or during the appeals process if the board finds that a practitioner represents a clear and immediate danger to the public's health, safety, or property if the practitioner is allowed to continue to practice. The summary suspension may be renewed upon a hearing before the board, and each renewal may be for not more than ninety (90) days.

(b) **The board may summarily suspend the license of a real estate appraiser for ninety (90) days before a final adjudication or during the appeals process if the board finds that the licensed real estate appraiser has engaged in material and intentional misrepresentations or omissions in the preparation of at least three (3) written appraisal reports that were submitted by a person to obtain a loan. The summary suspension may be renewed upon a hearing before the board. Each renewal of a summary suspension may not be for more than ninety (90) days.**

(c) **Before the board may summarily suspend a license under this section, the consumer protection division of the attorney general's office shall make a reasonable attempt to notify a practitioner of a hearing by the board to suspend a practitioner's license and of information regarding the allegation against the practitioner. The consumer protection division of the attorney general's office shall also notify the practitioner that the practitioner may provide a written or an oral statement to the board on the practitioner's behalf before the board issues an order for summary suspension. A reasonable attempt to notify the practitioner is made if the consumer protection division of the attorney general's office attempts to notify the practitioner by telephone or facsimile at the last telephone number or facsimile number of the practitioner on file with the board.**

SECTION 26. IC 25-1-11-19, AS ADDED BY P.L.194-2005, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 19. (a) The board may refuse to issue a license or may issue a probationary license to an applicant for licensure if:

- (1) the applicant has:
 - (A) been disciplined by a licensing entity of another state or jurisdiction; or
 - (B) committed an act that would have subjected the applicant to the disciplinary process if the applicant had been licensed in Indiana when the act occurred; and
- (2) the violation for which the applicant was or could have been disciplined has a bearing on the applicant's ability to competently perform or practice the profession in Indiana.

(b) **The board may:**

- (1) **refuse to issue a license; or**
- (2) **issue a probationary license;**

to an applicant for licensure if the applicant practiced without a license in violation of the law.

(b) (c) Whenever the board issues a probationary license, the board may require a licensee to do any of the following:

- (1) Report regularly to the board upon the matters that are the basis of the discipline of the other state or jurisdiction.

- (2) Limit practice to the areas prescribed by the board.
- (3) Continue or renew professional education requirements.
- (4) Engage in community restitution or service without compensation for the number of hours specified by the board.
- (5) Perform or refrain from performing an act that the board considers appropriate to the public interest or to the rehabilitation or treatment of the applicant.

(c) (d) The board shall remove any limitations placed on a probationary license under this section if the board finds after a public hearing that the deficiency that required disciplinary action has been remedied.

SECTION 27. IC 25-2.1-1-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 12. "Quality review" means a study, an appraisal, or a review of at least one (1) aspect of the professional work of:

- (1) an individual **who**; or
- (2) a firm in the practice of accountancy **that**;

attests or issues compilation reports, by at least one (1) individual who holds a certificate **from any state and possesses qualifications that meet the applicable substantial equivalency standards** and who is independent of the individual or firm being reviewed.

SECTION 28. IC 25-7-7-3, AS AMENDED BY P.L.157-2006, SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 3. The application described in section 2 of this chapter must state that:

- (1) the proposed school will require students to successfully complete at least one thousand five hundred (1,500) hours of course work as a requirement for graduation;
- (2) not more than ~~eight (8)~~ **ten (10)** hours of course work may be taken by a student during one (1) day;
- (3) the course work will provide instruction to students in all theories and practical applications of barbering, including:
 - (A) the scientific fundamentals for barbering, hygiene, and bacteriology;
 - (B) the histology of hair, skin, muscles, and nerves;
 - (C) the structure of the head, face, and neck;
 - (D) elementary chemistry relating to sterilization and antiseptics;
 - (E) cutting, shaving, arranging, dressing, coloring, bleaching, tinting, and permanent waving of the hair; and
 - (F) at least ten (10) hours of study on skin and diseases of the skin under a certified dermatologist;
- (4) the school will provide one (1) instructor for each group of twenty (20) or fewer students;
- (5) the school will be operated under the personal supervision of a licensed barber instructor;
- (6) the applicant has obtained:
 - (A) a building permit;
 - (B) a certificate of occupancy; or
 - (C) any other planning approval required under IC 22-15-3 and IC 36-7-4;

required to operate the school;

(7) the school, if located in the same building as a residence, will:

- (A) be separated from the residence by a substantial floor to ceiling partition; and

- (B) have a separate entrance;
- (8) as a requirement for graduation, the proposed school must:
 - (A) administer; and
 - (B) require the student to pass;
- a final practical demonstration examination of the acts permitted by the license; and
- (9) the applicant has paid the fee set forth in IC 25-7-11-2.

SECTION 29. IC 25-8-2-15.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 15.5. "Mobile salon" means either of the following:**

- (1) A self-contained facility that may be moved, towed, or transported from one (1) location to another and in which cosmetology, electrology, esthetics, or manicuring is practiced.**
- (2) A business in which cosmetology, electrology, esthetics, or manicuring equipment is transported to and used on a temporary basis at a location other than a selected salon site, including:**
 - (A) other cosmetology, electrology, esthetic, or manicuring salons;**
 - (B) clients' homes; and**
 - (C) nursing homes.**

SECTION 30. IC 25-8-3-23 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 23. (a) The board shall adopt rules under IC 4-22-2 to:**

- (1) prescribe sanitary requirements for:**
 - (A) cosmetology salons;**
 - (B) electrology salons;**
 - (C) esthetic salons;**
 - (D) manicuring salons; and**
 - (E) cosmetology schools;**
- (2) establish standards for the practice of cosmetology and the operation of:**
 - (A) cosmetology salons;**
 - (B) electrology salons;**
 - (C) esthetic salons;**
 - (D) manicuring salons; and**
 - (E) cosmetology schools;**
- (3) implement the licensing system under this article and provide for a staggered renewal system for licenses; and**
- (4) establish requirements for cosmetology school uniforms for students and instructors.**

(b) The board may adopt rules under IC 4-22-2 to establish the following for the practice of cosmetology, electrology, esthetics, or manicuring in a mobile salon:

- (1) Sanitation standards.**
- (2) Safety requirements.**
- (3) Permanent address requirements at which the following are located:**
 - (A) Records of appointments.**
 - (B) License numbers of employees.**
 - (C) If applicable, the vehicle identification number of the license holder's self-contained facility.**
- (4) Enforcement actions to ensure compliance with the requirements under this article and all local laws and ordinances.**

SECTION 31. IC 25-8-4-21, AS AMENDED BY P.L.157-2006, SECTION 40, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 21. (a) Except as provided in IC 25-8-9-11, the board may, upon application, reinstate a license under this chapter that has expired if the person holding the license:**

- (1) pays renewal fees established by the board under IC 25-1-8-2;**
- (2) pays the license reinstatement fee established under IC 25-1-8-6; and**
- (3) complies with all of the requirements imposed by this article on an applicant for an initial license to perform the acts authorized by the license being reinstated, other than receiving a satisfactory grade (as defined in section 9 of this chapter) on an examination prescribed by the board: established under IC 25-1-8-6.**

(b) Except as provided in subsection (e) and (f), the board may not reinstate a license issued under this article if the person holding the license does not apply for reinstatement within three (3) years after the expiration date of the license, unless the person holding the license;

- (1) receives a satisfactory grade (as described in section 9 of this chapter) on an examination prescribed by the board;**
- (2) pays the examination fee set forth in IC 25-1-8-2;**
- (3) pays the renewal fees established by the board under IC 25-1-8-2; and**
- (4) pays the reinstatement fee established under IC 25-1-8-6.**

(c) If a person does not receive a satisfactory grade on the examination described in subsection (b)(1), the person may repeat the examination subject to the rules governing the examination as adopted by the board.

(d) If a person does not receive a satisfactory grade on a repeat examination as provided in subsection (c), the board may:

- (1) permit the person to take the examination again;**
- (2) require the person to complete remediation and additional training as required by the board before the person is permitted to take the examination again; or**
- (3) refuse to permit the person to take the examination again and deny the application for reinstatement of the license.**

(e) The board may not reinstate:

- (1) a cosmetology salon license issued under IC 25-8-7;**
- (2) an electrology salon license issued under IC 25-8-7.2;**
- (3) an esthetic salon license issued under IC 25-8-12.6; or**
- (4) a manicurist salon license issued under IC 25-8-7.1;**

unless the license holder submits an application for reinstatement of the license not later than three (3) years after the date the license expires.

(f) The board may not reinstate a cosmetology school license issued under IC 25-8-5 unless the license holder submits an application for reinstatement of the license not later than three (3) years after the date the license expires.

SECTION 32. IC 25-8-4-27, AS AMENDED BY P.L.194-2005, SECTION 39, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 27. If a person holding a license described in section 22(b) 21(e) or 21(f) of this chapter does not**

comply with the reinstatement application filing requirements set forth in that section, that person may:

- (1) file an application for a new license to operate:
 - (A) a cosmetology salon;
 - (B) an electrology salon;
 - (C) an esthetic salon;
 - (D) a manicurist salon; or
 - (E) a cosmetology school;
 under this article; and
- (2) pay the reinstatement fee set forth in:
 - (A) IC 25-8-13-3; or
 - (B) IC 25-8-13-5(b).

SECTION 33. IC 25-8-5-3, AS AMENDED BY P.L.157-2006, SECTION 42, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 3. The application described in section 2 of this chapter must state that:

- (1) as a requirement for graduation, the proposed school will require its students to successfully complete at least the one thousand five hundred (1,500) hours of course work required to be eligible to sit for the licensing examination;
- (2) no more than ~~eight (8)~~ **ten (10)** hours of course work may be taken by a student during one (1) day;
- (3) the course work will instruct the students in all theories and practical application of the students' specific course of study;
- (4) the school will provide one (1) instructor for each twenty (20) students or any fraction of that number;
- (5) the school will be operated under the personal supervision of a licensed cosmetologist instructor;
- (6) the person has obtained any building permit, certificate of occupancy, or other planning approval required under IC 22-15-3 and IC 36-7-4 to operate the school;
- (7) the school, if located in the same building as a residence, will:
 - (A) be separated from the residence by a substantial floor to ceiling partition; and
 - (B) have a separate entry;
- (8) as a requirement for graduation, the proposed school must:
 - (A) administer; and
 - (B) require the student to pass;
 a final practical demonstration examination of the acts permitted by the license; and
- (9) the applicant has paid the fee set forth in IC 25-8-13-3.

SECTION 34. IC 25-8-6-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1. The board may license a person to be a ~~cosmetology~~ **beauty culture** instructor.

SECTION 35. IC 25-8-6-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. A person must file a verified application for a ~~cosmetology~~ **beauty culture** instructor license with the board. ~~to obtain that license.~~ The application must be made on a form prescribed by the board.

SECTION 36. IC 25-8-6-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 3. The application described in section 2 of this chapter must state that the applicant:

- (1) is at least eighteen (18) years of age;
- (2) has graduated from high school or received the equivalent of a high school education;

(3) holds a cosmetologist, **an electrologist, a manicurist, or an esthetician** license issued under this article;

~~(4) has actively practiced cosmetology for at least six (6) months in a cosmetology salon and subsequently successfully completed at least six (6) months of instruction in theory and practice of instructor training as a student in a cosmetology school;~~

(4) has completed the education and experience requirements subject to the rules adopted by the board;

(5) has not committed an act for which the applicant could be disciplined under IC 25-8-14;

(6) has received a satisfactory grade (as ~~defined~~ **described** in IC 25-8-4-9) on an examination for instructor license applicants prescribed by the board; and

(7) has paid the fee set forth in IC 25-8-13-4 for the issuance of a license under this chapter.

SECTION 37. IC 25-8-6-6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 6. A person who obtains a license as a beauty culture instructor may provide instruction in the following:**

(1) Cosmetology, if the person:

(A) holds a cosmetologist license under IC 25-8-9; and

(B) has actively practiced cosmetology for at least six (6) months in a cosmetology salon and subsequently successfully completed at least six (6) months of instruction in theory and practice of instructor training as a student in a cosmetology school.

(2) Electrology, if the person holds an electrologist license under IC 25-8-10.

(3) Manicuring, if the person holds a manicurist license under IC 25-8-11.

(4) Esthetics, if the person holds an esthetician license under IC 25-8-12.5.

SECTION 38. IC 25-8-7-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. A person who wishes to obtain a cosmetology salon license must:

(1) do one (1) or more of the following:

(A) Select a site for the salon which, if located in the same building as a residence:

~~(A)~~ **(i)** is separated from the residence by a substantial floor to ceiling partition; and

~~(B)~~ **(ii)** has a separate entry.

(B) Meet the requirements for a mobile salon as established by the board under IC 25-8-3-23(b);

(2) if applicable, obtain any building permit, certificate of occupancy, or other approval action required under IC 22-15-3 and IC 36-7-4 to operate the cosmetology salon;

(3) install the furnishings, **if applicable,** and obtain the salon equipment required under rules adopted by the board; and

(4) submit a verified statement on a form prescribed by the board that the cosmetology salon will be under the personal supervision of a person who has at least six (6) months active experience as a cosmetologist under IC 25-8-9 before the application was submitted under this chapter.

SECTION 39. IC 25-8-7.1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. A person who desires to obtain a manicurist salon license must:

(1) do **one (1) or more of** the following:

~~(A)~~ (A) Select a site for the salon that, if located in the same building as a residence:

~~(A)~~ (i) is separated from the residence by a substantial floor to ceiling partition; and

~~(B)~~ (ii) has a separate entry.

(B) Meet the requirements for a mobile salon as established by the board under IC 25-8-3-23(b);

(2) **if applicable**, obtain:

(A) a building permit;

(B) a certificate of occupancy; or

(C) other approval action required under IC 22-15-3 and IC 36-7-4;

to operate the manicurist salon;

(3) install the furnishings, **if applicable**, and obtain the salon equipment required under rules adopted by the board; **and**

(4) submit a verified statement on a form prescribed by the board that the manicurist salon will be under the personal supervision of a person who has at least six (6) months active experience as a:

(A) manicurist under IC 25-8-11; or

(B) cosmetologist under IC 25-8-9;

before the application was submitted under this chapter.

SECTION 40. IC 25-8-7.2-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. A person who desires to obtain an electrology salon license must:

(1) do **one (1) or more of** the following:

~~(A)~~ (A) Select a site for the salon that, if located in the same building as a residence:

~~(A)~~ (i) is separated from the residence by a substantial floor to ceiling partition; and

~~(B)~~ (ii) has a separate entry.

(B) Meet the requirements for a mobile salon as established by the board under IC 25-8-3-23(b);

(2) **if applicable**, obtain:

(A) a building permit;

(B) a certificate of occupancy; or

(C) other approval action required under IC 22-15-3 and IC 36-7-4;

to operate the manicurist salon;

(3) install the furnishings, **if applicable**, and obtain the salon equipment required under rules adopted by the board; **and**

(4) submit a verified statement on a form prescribed by the board that the electrology salon will be under the personal supervision of a person who has at least six (6) months active experience as an electrologist under IC 25-8-10 before the application was submitted under this chapter.

SECTION 41. IC 25-8-9-7, AS AMENDED BY P.L.157-2006, SECTION 44, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 7. The board may issue a temporary work permit to practice cosmetology, electrology, esthetics, ~~or manicuring. or the instruction of cosmetology; esthetics; or electrology.~~

SECTION 42. IC 25-8-9-8, AS AMENDED BY P.L.157-2006, SECTION 45, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 8. A person must file a verified application for a temporary:

(1) cosmetologist work permit;

(2) electrologist work permit;

(3) esthetician work permit; **or**

(4) manicurist work permit;

~~(5) cosmetology instructor work permit;~~

~~(6) esthetics instructor work permit; or~~

~~(7) electrology instructor work permit;~~

with the board on a form prescribed by the board to obtain that work permit.

SECTION 43. IC 25-8-9-9, AS AMENDED BY P.L.157-2006, SECTION 46, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 9. (a) The temporary cosmetologist work permit application described in section 8 of this chapter must state that the applicant:

(1) will practice cosmetology under the supervision of a cosmetologist; and

(2) has filed an application under:

(A) section 2 of this chapter, but has not taken the examination described by section 3(4) of this chapter; or

(B) IC 25-8-4-2 and is awaiting a board determination.

(b) The temporary electrologist work permit application described in section 8 of this chapter must state that the applicant:

(1) will practice electrology under the supervision of an electrologist; and

(2) has filed an application under:

(A) IC 25-8-10-2, but has not taken the examination described in IC 25-8-10-3(3); or

(B) IC 25-8-4-2 and is awaiting a board determination.

(c) The temporary esthetician work permit application described in section 8 of this chapter must state that the applicant:

(1) will practice esthetics under the supervision of an esthetician; and

(2) has filed an application under:

(A) IC 25-8-12.5-3, but has not taken the examination described in IC 25-8-12.5-4(4); or

(B) IC 25-8-4-2 and is awaiting a board determination.

(d) The temporary manicurist work permit application described in section 8 of this chapter must state that the applicant:

(1) will practice manicuring under the supervision of a cosmetologist or manicurist; and

(2) has filed an application under:

(A) IC 25-8-11-3, but has not taken the examination described in IC 25-8-11-4(4); or

(B) IC 25-8-4-2 and is awaiting a board determination.

~~(e) The temporary cosmetology instructor work permit application described in section 8 of this chapter must state that the applicant:~~

~~(1) will practice the instruction of cosmetology under the supervision of a cosmetology instructor; and~~

~~(2) has filed an application under:~~

~~(A) IC 25-8-6-2, but has not taken the examination described in IC 25-8-6-3(6); or~~

~~(B) IC 25-8-4-2 and is awaiting a board determination.~~

~~(f) The temporary esthetics instructor work permit application described in section 8 of this chapter must state that the applicant:~~

~~(1) will practice the instruction of esthetics under the supervision of a cosmetology or an esthetics instructor; and~~

(2) has filed an application under:

- (A) IC 25-8-6.1-2, but has not taken the examination described in IC 25-8-6.1-3(6); or
- (B) IC 25-8-4-5 and is awaiting a board determination described in IC 25-8-4-2.

(g) The temporary electrology instructor work permit application described in section 8 of this chapter must state that the applicant:

- (1) will practice the instruction of electrology under the supervision of an electrology instructor; and
- (2) has filed an application under:
 - (A) IC 25-8-6.2-2, but has not taken the examination described in IC 25-8-6.2-3(6); or
 - (B) IC 25-8-4-2 and is awaiting a board determination.

SECTION 44. IC 25-8-15.4-9.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 9.5. The board may, upon application, reinstate a license under this chapter that has expired if the person holding the license:**

- (1) pays the current renewal fee established by the board under IC 25-1-8-2;**
- (2) pays the license reinstatement fee established under IC 25-1-8-6; and**
- (3) complies with all requirements established under this article for an applicant for an initial license.**

SECTION 45. IC 25-9-1-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 3. (a)** The Indiana professional licensing agency may appoint and remove deputies for use by the commission. The commission shall, when the commission considers it advisable, direct a deputy to be present at any place where sparring or boxing matches ~~semiprofessional elimination contests~~; or exhibitions are to be held under this chapter. The deputies shall ascertain the exact conditions surrounding the match ~~contest~~; or exhibition and make a written report of the conditions in the manner and form prescribed by the commission.

(b) The licensing agency may appoint and remove a secretary for the commission, who shall:

- (1) keep a full and true record of all the commission's proceedings;
- (2) preserve at its general office all the commission's books, documents, and papers;
- (3) prepare for service notices and other papers as may be required by the commission; and
- (4) perform other duties as the licensing agency may prescribe.

The licensing agency may employ only such clerical employees as may be actually necessary and fix their salaries as provided by law.

(c) Each commissioner shall be reimbursed for all actual and necessary traveling expenses and disbursements incurred by them in the discharge of their official duties. All reimbursements for traveling expenses shall be in accordance with travel policies and procedures established by the Indiana department of administration and the budget agency. All expenses incurred in the administration of this chapter shall be paid from the general fund upon appropriation being made for the expenses.

SECTION 46. IC 25-9-1-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 5. (a)** Boxing and sparring matches or exhibitions for prizes or purses may be held in Indiana.

(b) The commission:

- (1) has the sole direction, management, control, and jurisdiction over all boxing and sparring matches ~~semiprofessional elimination contests~~; or exhibitions to be conducted, held, or given in Indiana; and
 - (2) may issue licenses for those matches ~~contests~~; or exhibitions.
- (c)** A boxing or sparring match or an exhibition that is:
- (1) conducted by any school, college, or university within Indiana;
 - (2) sanctioned by United States Amateur Boxing, Inc.; or
 - (3) without a prize or purse;

shall not be subject to the provisions of this chapter requiring a license. The term "school, college, or university" does not include a school or other institution for the principal purpose of furnishing instruction in boxing, or other athletics.

(d) No boxing or sparring match, or exhibition, except as provided in this article, shall be held or conducted within Indiana except under a license and permit issued by the state boxing commission in accordance with the provisions of this chapter and the rules adopted under this chapter.

SECTION 47. IC 25-9-1-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 6. (a)** The commission may:

- (1) cause to be issued by the Indiana professional licensing agency under the name and seal of the state boxing commission, an annual license in writing for holding boxing or sparring matches ~~semiprofessional elimination contests~~; or exhibitions to any person who is qualified under this chapter; and
- (2) adopt rules to establish the qualifications of the applicants.

(b) In addition to the general license, a person must, before conducting any particular boxing or sparring match ~~semiprofessional elimination contest~~; or exhibition where one (1) or more contests are to be held, obtain a permit from the state boxing commission.

(c) Annual licenses may be revoked by the commission upon hearing and proof that any holder of an annual license has violated this chapter or any rule or order of the commission.

(d) A person who conducts a boxing or sparring match ~~semiprofessional elimination contest~~; or exhibition without first obtaining a license or permit commits a Class B misdemeanor.

SECTION 48. IC 25-9-1-7, AS AMENDED BY P.L.120-2005, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 7. (a)** Applications for licenses or permits to conduct or participate in, either directly or indirectly, a boxing or sparring match ~~semiprofessional elimination contest~~; or exhibition shall be:

- (1) made in writing upon forms prescribed by the state boxing commission and shall be addressed to and filed with the Indiana professional licensing agency; and
- (2) verified by the applicant, if an individual, or by some officer of the club, corporation, or association in whose behalf the application is made.

(b) The application for a permit to conduct a particular boxing or sparring match ~~semiprofessional elimination contest~~; or exhibition, shall, among other things, state:

- (1) the time and exact place at which the boxing or sparring match ~~semiprofessional elimination contest~~, or exhibition is proposed to be held;
- (2) the names of the contestants who will participate and their seconds;
- (3) the seating capacity of the buildings or the hall in which such exhibition is proposed to be held;
- (4) the admission charge which is proposed to be made;
- (5) the amount of the compensation percentage of gate receipts which is proposed to be paid to each of the participants;
- (6) the name and address of the person making the application;
- (7) the names and addresses of all the officers if the person is a club, a corporation, or an association; and
- (8) the record of each contestant from a source approved by the commission.

(c) The commission shall cause to be kept by the licensing agency proper records of the names and addresses of all persons receiving permits and licenses.

SECTION 49. IC 25-9-1-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 15. All buildings or structures used, or in any way to be used for the purpose of holding or giving therein boxing or sparring matches ~~semiprofessional elimination contests~~, or exhibitions, shall be properly ventilated and provided with fire exits and fire escapes, if need be, and in all manner shall conform to the laws, ordinances, and regulations pertaining to buildings in the city or town where situated.

SECTION 50. IC 25-9-1-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 16. (a) A person shall not:

- (1) permit any person under the age of eighteen (18) years to participate in any boxing or sparring match ~~semiprofessional elimination contest~~, or exhibition;
- (2) permit any gambling on the result of, or on any contingency in connection with, any boxing or sparring match ~~semiprofessional elimination contest~~, or exhibition conducted by it; or
- (3) participate in or permit any sham or collusive boxing or sparring match ~~semiprofessional elimination contest~~, or exhibition.

(b) A person who violates this section shall, in addition to any criminal penalty, have the person's license or permit revoked and be rendered ineligible for a license or permit at any future time.

SECTION 51. IC 25-9-1-17 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 17. (a) A person shall not:

- (1) participate in any sham or collusive boxing or sparring match ~~semiprofessional elimination contest~~, or exhibition where the match or exhibition is conducted by a licensed person; or
- (2) being under the age of eighteen (18), participate in any boxing or sparring match ~~semiprofessional elimination contest~~, or exhibition.

(b) If a person violating this section is a licensed contestant in this state, the person shall for the first offense, in addition to the

fine, suffer a revocation of the person's license or permit, and for a second offense be forever barred from receiving any license or permit or participating in any boxing or sparring match or exhibition in Indiana.

(c) A person who gambles on the result of, or on any contingency in connection with, any boxing or sparring match ~~semiprofessional elimination contest~~, or exhibition and is convicted under IC 35-45-5 shall, in addition to any criminal penalty imposed, be penalized as provided in subsection (b).

SECTION 52. IC 25-9-1-19 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 19. (a) No contestant shall be permitted to participate in any boxing or sparring match ~~semiprofessional elimination contest~~, or exhibition unless duly registered and licensed with the state boxing commission, which license must be renewed biennially. The license fee and the renewal fee shall not be less than five dollars (\$5) paid at the time of the application for the license or renewal.

(b) Any person who desires to be registered and licensed as a contestant shall file an application in writing with the Indiana professional licensing agency, which application shall, among other things, state:

- (1) the correct name of the applicant;
- (2) the date and place of the applicant's birth;
- (3) the place of the applicant's residence; and
- (4) the applicant's employment, business, or occupation, if any.

The application must be verified under oath of the applicant. Application for renewal license shall be in similar form.

(c) No assumed or ring names shall be used in any application nor in any advertisement of any contest, unless the ring or assumed name has been registered with the commission with the correct name of the applicant.

(d) Each application for license by a contestant or for a license renewal must be accompanied by the certificate of a physician residing within Indiana, who has been licensed as provided in this article, and has practiced in Indiana for not less than five (5) years, certifying that the physician has made a thorough physical examination of the applicant, and that the applicant is physically fit and qualified to participate in boxing or sparring matches or exhibitions.

SECTION 53. IC 25-9-1-20.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 20.5. The commission may declare any person who has been convicted of an offense under IC 35-48 ineligible to participate in any boxing or sparring match ~~semiprofessional elimination contest~~, or exhibition, or any other activity or event regulated by the commission, notwithstanding that the person may hold a valid license issued by the commission. The period of ineligibility shall be for not less than six (6) months nor more than three (3) years, as determined by the commission. If any such person shall be declared ineligible, the commission shall suspend such convicted person and declare ~~him~~ **the person** ineligible to participate in any boxing or sparring match or exhibition, or any other activity or event regulated by the commission, as soon as it discovers the conviction, but the period of ineligibility shall commence from the actual date of the conviction. During the period of ineligibility, the suspended person may reapply to the commission for a license in the manner

provided, and the commission may rescind the prior order of suspension.

SECTION 54. IC 25-9-1-21 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 21. (a) Any license provided for under this chapter may be revoked or suspended by the commission for reasons deemed sufficient under this chapter and under IC 25-1-11.

(b) If a person displays to the public credentials issued by the commission that:

- (1) have been revoked or suspended under this section or under sections 16, 17, and 20.5 of this chapter; or
- (2) have expired;

the commission may act under this section, or the commission may declare the person ineligible for a period to be determined by the commission to participate in any boxing or sparring match, ~~semiprofessional elimination contest~~, exhibition, or other activity regulated by the commission.

SECTION 55. IC 25-9-1-22 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 22. (a) Every person, club, corporation, firm, or association which may conduct any match or exhibition under this chapter shall, within twenty-four (24) hours after the termination thereof:

- (1) furnish to the Indiana professional licensing agency by mail, a written report duly verified by that person or, if a club, corporation, firm, or association, by one (1) of its officers, showing the amount of the gross proceeds for the match or exhibition, and other related matters as the commission may prescribe; and
- (2) pay a tax of five percent (5%) of the price of admission collected from the sale of each admission ticket to the match or exhibition, which price shall be a separate and distinct charge and shall not include any tax imposed on and collected on account of the sale of any such ticket. Money derived from such state tax shall be deposited in the state general fund.

(b) Before any license shall be granted for any boxing or sparring match ~~semiprofessional elimination contest~~, or exhibition in this state, a bond or other instrument that provides financial recourse must be provided to the state boxing commission. The instrument must be:

- (1) in an amount determined by the commission;
- (2) approved as to form and sufficiency of the sureties thereon by the commission;
- (3) payable to the state of Indiana; and
- (4) conditioned for the payment of the tax imposed, the officials and contestants, and compliance with this chapter and the valid rules of the commission.

SECTION 56. IC 25-9-1-24 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 24. The commission may appoint official representatives, designated as inspectors, each of whom shall receive from the commission a card authorizing ~~him the official representative~~ to act as an inspector wherever the commission may designate ~~him the official representative~~ to act. One (1) inspector or deputy shall be present at all boxing or sparring matches ~~semiprofessional elimination contests~~, or exhibitions, and see that the rules of the commission and the provisions of this chapter are strictly observed, and shall also be present at the counting up of the gross receipts, and shall

immediately mail to the commission the final box-office statement received by him from the person or officers of the club, corporation, or association conducting the match ~~contest~~, or exhibition.

SECTION 57. IC 25-9-1-26 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 26. All tickets of admission to any boxing or sparring match ~~semiprofessional elimination contest~~, or exhibition shall clearly show their purchase price, and no such tickets shall be sold for more than the price printed on the tickets. It shall be unlawful for any person, club, corporation, or association to admit to such contest a number of people greater than the seating capacity of the place where such contest is held.

SECTION 58. IC 25-21.5-8-7, AS AMENDED BY P.L.194-2005, SECTION 65, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 7. (a) The board may adopt rules requiring a land surveyor to obtain continuing education for renewal of a certificate under this chapter.

(b) If the board adopts rules under this section, the rules must ~~do~~ the following:

(1) establish procedures for approving an organization that provides continuing education.

(2) Require an organization that provides an approved continuing education program to supply the following information to the board not more than thirty (30) days after the course is presented:

(A) An alphabetical list of all land surveyors who attended the course;

(B) A certified statement of the hours to be credited to each land surveyor;

(c) If the board adopts rules under this section, the board may adopt rules to do the following:

(1) Allow private organizations to implement the continuing education requirement.

(2) Establish an inactive certificate of registration. If the board adopts rules establishing an inactive certificate, the board must adopt rules that:

(A) do not require the holder of an inactive certificate to obtain continuing education;

(B) prohibit the holder of an inactive certificate from practicing land surveying;

(C) establish requirements for reactivation of an inactive certificate; and

(D) do not require the holder of an inactive certificate to pay the registration and renewal fees required under IC 25-21.5-7-5.

SECTION 59. IC 25-23.5-0.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]:

Chapter 0.5. Applicability

Sec. 1. This article does not apply to the practice of an occupation or a profession for which an individual is licensed, certified, or registered in Indiana by a state agency if the individual is practicing within the scope of the individual's license, certificate, or registration.

Sec. 2. The provisions of this article that require a license to engage in the practice of occupational therapy do not apply to the following:

(1) **The practice of occupational therapy by an individual who is practicing occupational therapy as part of a supervised course of study in an educational program approved by the board.**

(2) **The practice of occupational therapy by an occupational therapy assistant who is:**

(A) **certified under this article; and**

(B) **acting under the supervision of an occupational therapist.**

(3) **The practice of occupational therapy by an occupational therapy aide under the direct supervision of:**

(A) **an occupational therapist; or**

(B) **an occupational therapy assistant.**

Sec. 3. An occupational therapy assistant shall:

(1) **be certified under this article; and**

(2) **practice under the supervision of an occupational therapist who is licensed under this article.**

SECTION 60. IC 25-23.5-1-3.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 3.5. "Examination" refers to a nationally recognized test for occupational therapists that has been approved by the board under IC 25-23.5-5-4.5.**

SECTION 61. IC 25-23.5-1-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 5. "Practice of occupational therapy" means the functional assessment of learning and performance skills and the analysis, selection, and adaptation of exercises or equipment for a person whose abilities to perform the requirements of daily living are threatened or impaired by physical injury or disease, mental illness, a developmental deficit, the aging process, or a learning disability. The term consists primarily of the following functions:**

(1) **Planning and directing exercises and programs to improve sensory-integration and motor functioning at a level of performance neurologically appropriate for a person's stage of development.**

(2) **Analyzing, selecting, and adapting functional exercises to achieve and maintain a person's optimal functioning in daily living tasks and to prevent further disability.**

SECTION 62. IC 25-23.5-2-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 2. The committee consists of five (5) members appointed by the governor for terms of three (3) years. The committee must include the following:**

(1) **At least two (2) occupational therapists who:**

(A) **are residents of Indiana;**

(B) **have at least three (3) years experience as occupational therapists; and**

(C) **are ~~certified~~ licensed under this article.**

(2) **At least one (1) physician licensed under IC 25-22.5 who is familiar with ~~the practice of~~ occupational therapy.**

(3) **At least one (1) person who:**

(A) **is a resident of Indiana; and**

(B) **is not associated with occupational therapy in any way other than as a consumer.**

SECTION 63. IC 25-23.5-2-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 5. The committee shall:**

(1) **consider the qualifications of persons who apply for ~~certificates~~ licenses under this article;**

(2) **provide for examinations required under this article;**

(3) **~~certify~~ license** qualified persons;

(4) **propose rules to the board concerning the:**

(A) **competent practice of occupational therapy;**

(B) **continuing competency requirement for the renewal of a license for an occupational therapist and renewal of a certificate for an occupational therapy assistant; and ~~the~~**

(C) **administration of this article; and**

(5) **recommend to the board the amounts of fees required under this article.**

SECTION 64. IC 25-23.5-2-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 6. (a) After considering the committee's proposed rules, the board shall adopt rules under IC 4-22-2 establishing standards for:**

(1) **the competent practice of occupational therapy;**

(2) **the renewal of ~~certificates~~ licenses or certificates issued under this article; and**

(3) **standards for the administration of this article.**

(b) **After considering the committee's recommendations for fees, the board shall establish fees under IC 25-1-8-2.**

SECTION 65. IC 25-23.5-3-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 1. A person may not:**

(1) **~~profess to be practice~~ as an occupational therapist;**

(2) **~~profess to be practice~~ as an occupational therapy assistant;**

(3) **use the title "occupational therapist";**

(4) **use the title "occupational therapy assistant"; or**

(5) **~~use the initials "O.T.", "O.T.A.", "O.T.R.", or "C.O.T.A."~~ or any other words, letters, abbreviations, or insignia indicating or implying that the person is an occupational therapist or occupational therapy assistant certified under this article;**

(5) **engage in the practice of occupational therapy;**

unless the person is ~~certified~~ licensed or certified under this article.

SECTION 66. IC 25-23.5-3-1.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 1.5. (a) Except as provided in subsection (b), an occupational therapist may not provide occupational therapy services to a person until the person has been referred to the occupational therapist by a physician licensed under IC 25-22.5, a podiatrist licensed under IC 25-29, an advanced practice nurse licensed under IC 25-23, a psychologist licensed under IC 25-33, or a chiropractor licensed under IC 25-10.**

(b) **An occupational therapist may provide the following services without a referral from a physician licensed under IC 25-22.5, a podiatrist licensed under IC 25-29, an advanced practice nurse licensed under IC 25-23, a psychologist licensed under IC 25-33, or a chiropractor licensed under IC 25-10:**

(1) **Ergonomic or home assessment.**

(2) **Injury or illness prevention education and wellness services.**

(3) **Occupational therapy activities provided in an educational setting.**

(4) **Occupational therapy activities that the board determines, after reviewing the recommendations of the**

committee, are appropriate to be conducted in a community based environment.

SECTION 67. IC 25-23.5-3-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. A person who **knowingly or intentionally** violates this chapter commits a Class B misdemeanor.

SECTION 68. IC 25-23.5-5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1. A person who applies for a ~~certificate license~~ as an occupational therapist or a ~~certificate as an~~ occupational therapy assistant must present satisfactory evidence to the committee that the person:

- (1) does not have a conviction for a crime that has a direct bearing on the person's ability to practice competently;
- (2) has not been the subject of a disciplinary action by a licensing or certification agency of another state or jurisdiction on the grounds that the person was not able to practice as an occupational therapist or occupational therapy assistant without endangering the public;
- (3) has graduated from a school or program of occupational therapy or a program for occupational therapy assistants approved by the board; and
- (4) has passed an occupational therapist or occupational therapy assistant licensing or certifying examination approved by the board **under section 4.5 of this chapter.**

SECTION 69. IC 25-23.5-5-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. (a) The board may require a person who applies for a ~~certificate license~~ as an occupational therapist to have successfully completed supervised fieldwork experience arranged and approved by the school or program from which the person graduated.

(b) The board may require a person who applies for a certificate as an occupational therapy assistant to have successfully completed supervised fieldwork experience arranged and approved by the program from which the person graduated.

SECTION 70. IC 25-23.5-5-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 3. A person applying for a ~~certificate license or certificate~~ under this article must pay a fee.

SECTION 71. IC 25-23.5-5-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 4. A person who satisfies the requirements of sections 1 through 3 of this chapter may take the examination ~~provided approved~~ by the board **under section 4.5 of this chapter.**

SECTION 72. IC 25-23.5-5-4.5 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 4.5. (a) The board shall do the following:**

- (1) Approve a nationally recognized examination for each type of license or certificate issued under this article.**
- (2) Establish the passing score necessary to obtain a license under this article.**

(b) The board may use any part of an examination administered by:

- (1) the National Board for Certification in Occupational Therapy, or its successor; or**
- (2) another nationally recognized body that provides examination services for occupational therapists, as determined by the committee;**

as the examination required to obtain a license under this article.

SECTION 73. IC 25-23.5-5-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 5. (a) The committee shall provide for examinations to be given at least two (2) times a year at times and places established by the board.

(b) The committee shall provide for examinations that test a person's knowledge of the basic and clinical sciences as they relate to **the practice of** occupational therapy, occupational therapy theory and procedures, and other subjects the committee considers useful to test a person's fitness to practice as an occupational therapist or occupational therapy assistant.

SECTION 74. IC 25-23.5-5-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 6. The committee shall issue a ~~certificate license or certificate~~ to a person who

- ~~(1) achieves a passing score, as determined by the board, on the examination provided under this chapter; and~~
- ~~(2) is otherwise qualified meets the requirements for a license or certificate~~ under this article.

SECTION 75. IC 25-23.5-5-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 7. **(a)** The committee may refuse to issue a ~~certificate license~~ or may issue a probationary ~~certificate license~~ to a person if:

- (1) the person has been disciplined by an administrative agency in another jurisdiction; and
- (2) the committee determines that the violation for which the person was disciplined has a direct bearing on the person's ability to practice **occupational therapy** as an occupational therapist. ~~or occupational therapy assistant.~~

(b) The committee may refuse to issue a certificate or may issue a probationary certificate to a person if:

- (1) the person has been disciplined by an administrative agency in another jurisdiction; and**
- (2) the committee determines that the violation for which the person was disciplined has a direct bearing on the person's ability to practice as an occupational therapy assistant.**

SECTION 76. IC 25-23.5-5-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 8. (a) If the committee issues a probationary ~~certificate license or probationary certificate~~ under section 7 of this chapter, the committee may require the person who holds the ~~certificate probationary license or probationary certificate~~ to perform one (1) or more of the following conditions:

- (1) Report regularly to the committee upon a matter that is the basis for the probation.
- (2) Limit practice to areas prescribed by the committee.
- (3) Continue or renew professional education.
- (4) Engage in community restitution or service without compensation for a number of hours specified by the committee.

(b) The committee shall remove a limitation placed on a probationary ~~certificate license or probationary certificate~~ if after a hearing the committee finds that the deficiency that caused the limitation has been remedied.

SECTION 77. IC 25-23.5-5-9, AS AMENDED BY P.L.1-2006, SECTION 457, IS AMENDED TO READ AS FOLLOWS

[EFFECTIVE JULY 1, 2007]: Sec. 9. (a) A ~~certificate license or certificate~~ issued by the committee expires on a date established by the Indiana professional licensing agency under IC 25-1-5-4 in the next even-numbered year following the year in which the ~~certificate license or certificate~~ was issued.

(b) A person may renew a ~~certificate license or certificate~~ by paying a renewal fee on or before the expiration date of the ~~certificate license or certificate~~.

(c) If a person fails to pay a renewal fee on or before the expiration date of a ~~certificate license or certificate~~, the ~~certificate license or certificate~~ becomes invalid.

SECTION 78. IC 25-23.5-5-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 10. (a) The committee shall reinstate an invalid ~~certificate license or certificate~~ up to three (3) years after the expiration date of the ~~certificate license or certificate~~ if the person holding the invalid ~~certificate license or certificate~~ meets the requirements under IC 25-1-8-6.

(b) If more than three (3) years have elapsed since the date a ~~certificate license or certificate~~ expired, the person holding the ~~certificate license or certificate~~ may renew the ~~certificate license or certificate~~ by satisfying the requirements for renewal established by the board and meeting the requirements under IC 25-1-8-6.

SECTION 79. IC 25-23.5-5-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 11. (a) The committee may issue a temporary permit to a person to ~~profess to be engage in the practice of occupational therapy as an occupational therapist or occupational therapy assistant if the person pays a fee and the person:~~

(1) has a valid license or certificate to practice from another state and the person has applied for a ~~certificate license or certificate~~ from the committee;

(2) is practicing **occupational therapy** in a state that does not license or certify occupational therapists or occupational therapy assistants but is certified by a national occupational therapy association approved by the ~~committee board~~ and the person has applied for a ~~certificate license or certificate~~ from the committee; or

~~(3) has been approved by the committee to take the next examination and has graduated from a school or program approved by the committee and the person has completed the fieldwork experience requirement.~~

(3) meets all the following requirements:

(A) Has graduated from an accredited program.

(B) Has completed the fieldwork experience requirement for a license or certificate under this article.

(C) Is eligible to take the entry level examination.

(b) A person with a temporary permit issued under subsection (a)(3) may ~~profess to be engage in the practice of occupational therapy as an occupational therapist or an occupational therapy assistant only under the supervision of an occupational therapist~~ **certified licensed** under this article.

(c) A temporary permit expires the earlier of:

(1) the date the person holding the permit is issued a ~~certificate permanent license or certificate~~ under this article; or

(2) the date the committee disapproves the person's ~~certificate license application or certificate application~~; or
(3) one hundred eighty days (180) days after the date the permit is issued.

(d) The committee may renew a temporary permit if the person holding the permit was scheduled to take the next examination and the person:

(1) did not take the examination; and

(2) shows good cause for not taking the examination.

(e) A permit renewed under subsection ~~(c)~~ **(d)** expires on the date the person holding the permit receives the results from the next examination given after the permit was issued.

SECTION 80. IC 25-23.5-5-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 12. (a) A person who is **certified licensed or certified** under this article shall notify the committee in writing when the person retires from practice.

(b) Upon receipt of the notice, the committee shall:

(1) record the fact the person is retired; and

(2) release the person from further payment of renewal fees.

SECTION 81. IC 25-23.5-5-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 13. (a) If a person surrenders a ~~certificate license or certificate~~ to the committee, the committee may reinstate the ~~certificate license or certificate~~ upon written request by the person.

(b) If the committee reinstates a ~~certificate license or certificate~~, the committee may impose conditions on the ~~certificate license or certificate~~ appropriate to the reinstatement.

(c) A person may not surrender a ~~certificate license or certificate~~ without written approval by the committee if a disciplinary proceeding under this article is pending against the person.

SECTION 82. IC 25-23.5-5-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 14. A person who applies for a ~~certificate license or certificate~~ under this article may be exempted by the committee from the examination requirement under section 6 of this chapter if the person:

(1) is licensed or certified to practice **occupational therapy** as an occupational therapist or occupational therapy assistant in another state; or

(2) is practicing **occupational therapy** in a state that does not license or certify occupational therapists or occupational therapy assistants and is certified by a national occupational therapy association approved by the board;

and is otherwise qualified under sections 1 through 3 of this chapter and pays an additional fee.

SECTION 83. IC 25-23.5-5-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 15. The committee may issue a ~~certificate license~~ to a person who has graduated as an occupational therapist or **issue a certificate to a person who has graduated as an occupational therapy assistant** from an educational program in a foreign country if the person:

(1) graduated from an educational program approved by the board;

(2) does not have a conviction for:

(A) an act that would constitute a ground for a disciplinary sanction under IC 25-1-9; or

(B) a crime that has a direct bearing on the person's ability to practice competently;

(3) has not been the subject of a disciplinary action initiated by a licensing agency of another state or jurisdiction on the ground that the person was not able to practice **occupational therapy** as an occupational therapist or occupational therapy assistant without endangering the public;

(4) passes the examination required under this chapter; and

(5) pays a fee.

SECTION 84. IC 25-23.6-1-1.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1.5. "Appraisal" means the use or administration of career and occupational instruments, adaptive behavioral and symptoms screening checklists, and inventories of interests and preferences that are administered for the purpose of counseling persons to cope with or adapt to changing life situations that are due to problems in living. The term includes the use of marital, relational, communicational, parent and child, and family systems assessment instruments. ~~The term does not include the use of restricted psychology tests or instruments as described in IC 25-33-1-2(1).~~

SECTION 85. IC 25-23.6-8-2.7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2.7. (a) An applicant under section 1 of this chapter must have at least ~~three (3)~~ **two (2)** years of clinical experience, during which at least fifty percent (50%) of the applicant's clients were receiving marriage and family therapy services. ~~Two (2) years of~~ The applicant's clinical experience must include one thousand (1,000) hours of post degree clinical experience and two hundred (200) hours of post degree clinical supervision, of which one hundred (100) hours must be individual supervision, under the supervision of a licensed marriage and family therapist who has at least five (5) years of experience or an equivalent supervisor, as determined by the board.

(b) Within the ~~three (3)~~ **two (2)** years required under subsection (a), the applicant must provide direct individual, group, and family therapy and counseling to the following categories of cases:

- (1) Unmarried couples.
- (2) Married couples.
- (3) Separating or divorcing couples.
- (4) Family groups, including children.

(c) A doctoral internship may be applied toward the supervised work experience requirement.

(d) Except as provided in subsection (e), the experience requirement may be met by work performed at or away from the premises of the supervising marriage and family therapist.

(e) The work requirement may not be performed away from the supervising marriage and family therapist's premises if:

- (1) the work is the independent private practice of marriage and family therapy; and
- (2) the work is not performed at a place that has the supervision of a licensed marriage and family therapist or an equivalent supervisor, as determined by the board.

SECTION 86. IC 25-23.7-4-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. The licensing agency shall provide the board with clerical or other assistants ~~including investigators~~, necessary for the proper performance of the board's duties.

SECTION 87. IC 25-33-1-1.1, AS AMENDED BY SEA 526-2007, SECTION 343, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1.1. (a) ~~Except as provided in sections 3(g) and 14(e) of this chapter, Subject to subsection (b),~~ this article exempts a person who does not profess to be a psychologist and who is:

(1) a ~~certified licensed~~ marriage and family therapist;

(2) a ~~certified licensed~~ social worker or a ~~certified licensed~~ clinical social worker;

(3) a licensed mental health counselor;

~~(3) (4)~~ a minister, priest, rabbi, or other member of the clergy providing pastoral counseling or other assistance;

~~(4) (5)~~ a licensed or certified health care professional;

~~(5) (6)~~ a licensed attorney;

~~(6) (7)~~ a student, an intern, or a trainee pursuing a course of study in psychology in an accredited postsecondary educational institution or training institution if the psychology activities are performed under qualified supervision and constitute a part of the person's supervised course of study or other level of supervision as determined by the board;

~~(7) (8)~~ an employee of or a volunteer for a nonprofit corporation or an organization performing charitable, religious, or educational functions, providing pastoral counseling or other assistance; or

~~(8) (9)~~ any other certified or licensed ~~profession~~: **professional.**

(b) To be exempt under this article, a person described under subsection (a)(1), (a)(2), ~~(a)(4), (a)(3), (a)(5), (a)(6), (a)(7) or (a)(8)~~ **(a)(9)** must provide services:

(1) within the ~~person's~~ scope of **the person's practice, license, education,** and training; and

(2) according to any applicable ethical standards of the person's profession.

SECTION 88. IC 25-33-1-3, AS AMENDED BY P.L.1-2006, SECTION 478, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 3. (a) There is created a board to be known as the "state psychology board". The board shall consist of seven (7) members appointed by the governor. Six (6) of the board members shall be licensed under this article and shall have had at least five (5) years of experience as a professional psychologist prior to their appointment. The seventh member shall be appointed to represent the general public, must be a resident of this state, must never have been credentialed in a mental health profession, and must in no way be associated with the profession of psychology other than as a consumer. All members shall be appointed for a term of three (3) years. All members may serve until their successors are duly appointed and qualified. A vacancy occurring on the board shall be filled by the governor by appointment. The member so appointed shall serve for the unexpired term of the vacating member. Each member of the board is entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). Such a member is also entitled to reimbursement for traveling expenses and other expenses actually incurred in connection with the member's duties, as provided in the state travel policies and procedures established by the Indiana department of administration and approved by the state budget agency.

(b) The members of the board shall organize by the election of a chairman and a vice chairman from among its membership. Such officers shall serve for a term of one (1) year. The board shall meet at least once in each calendar year and on such other occasions as it considers necessary and advisable. A meeting of the board may be called by its chairman or by a majority of the members on the board. Four (4) members of the board constitute a quorum. A majority of the quorum may transact business.

(c) The board is empowered to do the following:

- (1) Establish reasonable application, examination, and renewal procedures and set fees for licensure under this article. However, no fee collected under this article shall, under any circumstances, be refunded.
- (2) Adopt and enforce rules concerning assessment of costs in disciplinary proceedings before the board.
- (3) Establish examinations of applicants for licensure under this article and issue, deny, suspend, revoke, and renew licenses.
- (4) Subject to IC 25-1-7, investigate and conduct hearings, upon complaint against individuals licensed or not licensed under this article, concerning alleged violation of this article, under procedures conducted in accordance with IC 4-21.5.
- (5) Initiate the prosecution and enjoinder of any person violating this article.
- (6) Adopt rules which are necessary for the proper performance of its duties, in accordance with IC 4-22-2.
- (7) Establish a code of professional conduct.

(d) The board shall adopt rules establishing standards for the competent practice of psychology.

(e) All expenses incurred in the administration of this article shall be paid from the general fund upon appropriation being made in the manner provided by law for the making of such appropriations.

(f) The bureau shall do the following:

- (1) Carry out the administrative functions of the board.
- (2) Provide necessary personnel to carry out the duties of this article.
- (3) Receive and account for all fees required under this article.
- (4) Deposit fees collected with the treasurer of state for deposit in the state general fund.

~~(g) The board shall adopt rules under IC 4-22-2 to establish, maintain, and update a list of restricted psychology tests and instruments (as defined in section 14(b) of this chapter) containing those psychology tests and instruments that, because of their design or complexity, create a danger to the public by being improperly administered and interpreted by an individual other than:~~

- ~~(1) a psychologist licensed under IC 25-33-1-5.1;~~
- ~~(2) an appropriately trained mental health provider under the direct supervision of a health service provider endorsed under IC 25-33-1-5.1(c);~~
- ~~(3) a qualified physician licensed under IC 25-22-5;~~
- ~~(4) a school psychologist who holds a valid:~~

~~(A) license issued by the department of education under IC 20-28-2; or~~

~~(B) endorsement under IC 20-28-12;~~

~~practicing within the scope of the school psychologist's license or endorsement; or~~

~~(5) a minister, priest, rabbi, or other member of the clergy providing pastoral counseling or other assistance.~~

~~(h) The board shall provide to:~~

~~(1) the social work certification and marriage and family therapists credentialing board; and~~

~~(2) any other interested party upon receiving the request of the interested party;~~

~~a list of the names of tests and instruments proposed for inclusion on the list of restricted psychological tests and instruments under subsection (g) at least sixty (60) days before publishing notice of intent under IC 4-22-2-23 to adopt a rule regarding restricted tests and instruments.~~

~~(i) The social work certification and marriage and family therapists credentialing board and any other interested party that receives the list under subsection (h) may offer written comments or objections regarding a test or instrument proposed for inclusion on the list of restricted tests and instruments within sixty (60) days after receiving the list. If:~~

~~(1) the comments or objections provide evidence indicating that a proposed test or instrument does not meet the criteria established for restricted tests and instruments; the board may delete that test from the list of restricted tests; and~~

~~(2) the board determines that a proposed test or instrument meets the criteria for restriction after reviewing objections to the test or instrument; the board shall respond in writing to justify its decision to include the proposed test or instrument on the list of restricted tests and instruments.~~

~~(j) (g) This section may not be interpreted to prevent a licensed or certified health care professional from practicing within the scope of the health care professional's:~~

~~(1) license or certification; and~~

~~(2) training or credentials.~~

SECTION 89. IC 25-33-1-14, AS AMENDED BY SEA 526-2007, SECTION 347, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 14. (a) This section does not apply to an individual who is:

(1) a member of a teaching faculty, at a public or private postsecondary educational institution for the purpose of teaching, research, or the exchange or dissemination of information and ideas as an assigned duty of the institution;

(2) a commissioned psychology officer in the regular United States armed services;

(3) licensed by the department of education (established by IC 20-19-3-1) as a school psychologist and using the title "school psychologist" or "school psychometrist" as an employee of a school corporation; or

(4) endorsed as an independent practice school psychologist under IC 20-28-12.

(b) As used in this section, "restricted psychology test or instrument" means a measurement instrument or device used for treatment planning, diagnosing, or classifying intelligence, mental and emotional disorders and disabilities, disorders of personality, or neuropsychological, neurocognitive, or cognitive functioning. The term does not apply to an educational instrument used in a school setting to assess educational progress or an appraisal instrument.

(c) (b) It is unlawful for an individual to:

- (1) claim that the individual is a psychologist; or
- (2) use any title which uses the word "psychologist", "clinical psychologist", "Indiana endorsed school psychologist", or "psychometrist", or any variant of these words, such as "psychology", or "psychological", or "psychologic";

unless that individual holds a valid license issued under this article or a valid endorsement issued under IC 20-28-12.

~~(d)~~ **(c)** It is unlawful for any individual, regardless of title, to render, or offer to render, psychological services to individuals, organizations, or to the public, unless the individual holds a valid license issued under this article or a valid endorsement issued under IC 20-28-12 or is exempted under section 1.1 of this chapter.

~~(e) It is unlawful for an individual, other than:~~

~~(1) a psychologist licensed under IC 25-33-1-5.1;~~

~~(2) an appropriately trained mental health provider under the direct supervision of a health service provider endorsed under IC 25-33-1-5.1(c);~~

~~(3) a qualified physician licensed under IC 25-22-5;~~

~~(4) a school psychologist who holds a valid:~~

~~(A) license issued by the department of education under IC 20-28-2; or~~

~~(B) endorsement under IC 20-28-12;~~

~~who practices within the scope of the school psychologist's license or endorsement; or~~

~~(5) a minister, priest, rabbi, or other member of the clergy providing pastoral counseling or other assistance;~~

~~to administer or interpret a restricted psychology test or instrument as established by the board under section 3(g) of this chapter in the course of rendering psychological services to individuals, organizations, or to the public.~~

~~(f)~~ **(d)** This section may not be interpreted to prevent a licensed or certified health care professional from practicing within the scope of the health care professional's:

(1) license or certification; and

(2) training or credentials.

SECTION 90. IC 25-35.6-1-7, AS AMENDED BY SEA 451-2007, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 7. (a) The division of professional standards established within the department of education by IC 20-28-2-1.5 (referred to as "the division of professional standards" in this section) may issue the following:

(1) An initial license as a speech-language pathologist only to an individual who is licensed as a speech-language pathologist under this article.

(2) A nonrenewable initial license as a speech-language pathologist to an individual who is completing a clinical fellowship in speech-language pathology and who has registered the clinical fellowship with the board. The nonrenewable initial license expires on the earlier of:

(A) the date the individual is licensed by the board as a speech-language pathologist; or

(B) eighteen (18) months after the individual begins the clinical fellowship in speech-language pathology.

~~(2)~~ **(3)** A renewal license as a speech-language pathologist to an individual who was licensed by the professional standards board before July 1, 2005, and who is not licensed as a speech-language pathologist under this article.

(b) The division of professional standards shall issue a license as a speech-language pathologist to an individual who:

(1) is licensed as a speech-language pathologist under this article; and

(2) requests licensure.

(c) A speech-language pathologist licensed by the division of professional standards shall register with the Indiana professional licensing agency all speech-language pathology support personnel that the speech-language pathologist supervises.

(d) The division of professional standards may not impose different or additional supervision requirements upon speech-language pathology support personnel than the supervision requirements that are imposed under this article.

(e) The division of professional standards may not impose continuing education requirements upon an individual who receives a license under this section that are different from or in addition to the continuing education requirements imposed under this article.

(f) An individual:

(1) who:

(A) if the individual is a speech-language pathologist, receives a license under this section or received a license as a speech-language pathologist issued by the professional standards board before July 1, 2005; or

(B) if the individual is an audiologist, works in an educational setting;

(2) who has been the holder of a certificate of clinical competence in speech-language pathology or audiology or its equivalent issued by a nationally recognized association for speech-language pathology and audiology for at least three (3) consecutive years; and

(3) who has professional experience as a licensed speech-language pathologist or audiologist in a school setting that is equivalent to the experience required for a teacher seeking national certification by the National Board of Professional Teaching Standards;

is considered to have the equivalent of and is entitled to the same benefits that accrue to a holder of a national certification issued by the National Board for Professional Teaching Standards.

SECTION 91. IC 25-35.6-1-8, AS ADDED BY P.L.212-2005, SECTION 68, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 8. (a) The board shall adopt rules under IC 4-22-2 to define the role of support personnel, including the following:

(1) Supervisory responsibilities of the speech-language pathologist.

(2) Ratio of support personnel to speech-language pathologists.

(3) Scope of duties and restrictions of responsibilities for each type of support personnel.

(4) Frequency, duration, and documentation of supervision.

(5) Education and training required to perform services.

(6) Procedures for renewing registration and terminating duties.

(b) A speech-language pathologist must meet the following qualifications to supervise speech-language pathology support personnel:

(1) Hold a current license as a speech-language pathologist **issued by the board.**

(2) Have at least three (3) years of clinical experience.

(3) Hold a certificate of clinical competence in speech-language pathology or its equivalent issued by a nationally recognized association for speech-language and hearing.

(c) Speech-language pathology support personnel may provide support services only under the supervision of a speech-language pathologist.

SECTION 92. IC 34-6-2-117 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 117. "Professional health care provider", for purposes of IC 34-30-15, means:

- (1) a physician licensed under IC 25-22.5;
- (2) a dentist licensed under IC 25-14;
- (3) a hospital licensed under IC 16-21;
- (4) a podiatrist licensed under IC 25-29;
- (5) a chiropractor licensed under IC 25-10;
- (6) an optometrist licensed under IC 25-24;
- (7) a psychologist licensed under IC 25-33;
- (8) a pharmacist licensed under IC 25-26;
- (9) a health facility licensed under IC 16-28-2;
- (10) a registered or licensed practical nurse licensed under IC 25-23;
- (11) a physical therapist licensed under IC 25-27;
- (12) a home health agency licensed under IC 16-27-1;
- (13) a community mental health center (as defined in IC 12-7-2-38);
- (14) a health care organization whose members, shareholders, or partners are:
 - (A) professional health care providers described in subdivisions (1) through (13);
 - (B) professional corporations comprised of health care professionals (as defined in IC 23-1.5-1-8); or
 - (C) professional health care providers described in subdivisions (1) through (13) and professional corporations comprised of persons described in subdivisions (1) through (13);
- (15) a private psychiatric hospital licensed under IC 12-25;
- (16) a preferred provider organization (including a preferred provider arrangement or reimbursement agreement under IC 27-8-11);
- (17) a health maintenance organization (as defined in IC 27-13-1-19) or a limited service health maintenance organization (as defined in IC 27-13-34-4);
- (18) a respiratory care practitioner licensed under IC 25-34.5;
- (19) an occupational therapist ~~certified~~ **licensed** under IC 25-23.5;
- (20) a state institution (as defined in IC 12-7-2-184);
- (21) a clinical social worker who is licensed under IC 25-23.6-5-2;
- (22) a managed care provider (as defined in IC 12-7-2-127(b));
- (23) a nonprofit health care organization affiliated with a hospital that is owned or operated by a religious order, whose members are members of that religious order; or
- (24) a nonprofit health care organization with one (1) or more

hospital affiliates.

SECTION 93. IC 35-48-3-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 5. ~~Denial, Revocation, and Suspension of Registration.~~ (a) An application for registration or re-registration submitted pursuant to and a registration issued under section 3 of this chapter to manufacture, distribute, or dispense a controlled substance may be denied, suspended, or revoked by the board upon a finding by the advisory committee that the applicant or registrant:

- (1) has furnished false or fraudulent material information in any application filed under this article;
- (2) has violated any state or federal law relating to any controlled substance;
- (3) has had his federal registration suspended or revoked to manufacture, distribute, or dispense controlled substances; or
- (4) has failed to maintain reasonable controls against diversion of controlled substances into other than legitimate medical, scientific, or industrial channels.

(b) The board may limit revocation or suspension of a registration or the denial of an application for registration or re-registration to the particular controlled substance with respect to which grounds for revocation, suspension, or denial exist.

(c) If the board suspends or revokes a registration or denies an application for re-registration, all controlled substances owned or possessed by the registrant at the time of suspension or the effective date of the revocation or denial order may be placed under seal. The board may require the removal of such substances from the premises. No disposition may be made of substances under seal until the time for taking an appeal has elapsed or until all appeals have been concluded unless a court, upon application therefor, orders the sale of perishable substances and the deposit of the proceeds of the sale with the court. Upon a revocation or denial order becoming final, all controlled substances may be forfeited to the state.

(d) The board shall promptly notify the drug enforcement administration of all orders suspending or revoking registration, all orders denying any application for registration or re-registration, and all forfeitures of controlled substances.

(e) If the Drug Enforcement Administration terminates, denies, suspends, or revokes a federal registration for the manufacture, distribution, or dispensing of controlled substances, a registration issued by the board under this chapter is automatically suspended.

(f) The board may reinstate a registration that has been suspended under subsection (e), after a hearing, if the board is satisfied that the applicant is able to manufacture, distribute, or dispense controlled substances with reasonable skill and safety to the public. As a condition of reinstatement, the board may impose disciplinary or corrective measures authorized under IC 25-1-9-9 or this article.

SECTION 94. THE FOLLOWING ARE REPEALED [EFFECTIVE JULY 1, 2007]: IC 25-8-4-22; IC 25-8-4-23; IC 25-8-4-24; IC 25-8-4-25; IC 25-8-4-26; IC 25-8-6.1; IC 25-8-6.2; IC 25-8-16.

SECTION 95. [EFFECTIVE JULY 1, 2007] **(a) The definitions in IC 25-35.6-1-2 apply throughout this SECTION.**

(b) Notwithstanding IC 25-35.6, as amended by this act, concerning issuance of a license, the Indiana professional

licensing agency shall issue a license in speech-language pathology as follows:

(1) To each individual who applies for licensure and meets all the following qualifications:

(A) Holds a license in speech and hearing therapy issued by the division of professional standards established within the department of education by IC 20-28-2-1.5 (referred to as "the division of professional standards" in this SECTION).

(B) Has a master's degree in speech-language pathology or a related discipline.

(C) Has been employed as a speech-language pathologist for at least nine (9) months in the last five (5) years.

(2) To each individual who applies for licensure and meets all the following qualifications:

(A) Holds a life license in speech-language pathology issued by the division of professional standards.

(B) Has:

(i) been employed as a speech-language pathologist for at least nine (9) months in the last five (5) years; or

(ii) taken at least thirty-six (36) hours of continuing education approved by the division of professional standards or the Indiana professional licensing agency after December 31, 2004, and before December 31, 2010.

(c) This SECTION expires January 1, 2011.

SECTION 96. [EFFECTIVE JULY 1, 2007] (a) If an individual is certified as an occupational therapist under IC 25-23.5 on June 30, 2007, the individual is considered to be a licensed occupational therapist under IC 25-23.5, as amended by this act, on July 1, 2007. The license of an individual described in this subsection expires on the date the individual's certification that the license is replacing would have expired if this act had not been enacted.

(b) The occupational therapy committee established by IC 25-23.5-2-1 shall issue a license under IC 25-23.5-5-6, as amended by this act, to an individual described in subsection (a). However, the occupational therapy committee and the Indiana professional licensing agency are not required to issue:

(1) a wall license; or

(2) a pocket license;

to an individual described in subsection (a) until the license renewal period beginning November 1, 2008.

(c) The medical licensing board of Indiana may adopt temporary rules in the manner provided for emergency rule adoption under IC 4-22-2-37.1 to implement IC 25-23.5, as amended by this act. A temporary rule adopted under this subsection expires on the earliest of the following:

(1) The date that the temporary rule is superseded by another temporary rule adopted under this subsection.

(2) The date that the temporary rule is superseded by a rule adopted under IC 4-22-2.

(3) The date specified in the temporary rule.

(4) July 1, 2009.

(d) This SECTION expires July 1, 2010.

SECTION 97. [EFFECTIVE JULY 1, 2007] (a) This

SECTION applies only to a person who is employed with a home health agency or a personal services agency on June 30, 2007, to provide services in a patient's or client's temporary or permanent residence.

(b) The definitions under IC 16-27-2 apply throughout this SECTION.

(c) Notwithstanding IC 10-13-3-39 and IC 16-27-2-4, both as amended by this act, a home health agency or personal services agency is not required to apply for a determination concerning the national criminal history background check of a person to whom this SECTION applies until July 1, 2008.

(d) Notwithstanding IC 16-27-2-5, as amended by this act, a home health agency or personal services agency may employ a person to whom this SECTION applies to provide services in a patient's or client's temporary or permanent residence for more than twenty-one (21) days without receipt of the determination concerning the person's national criminal history background check. However, a home health agency or personal services agency may not employ a person to whom this SECTION applies to provide services in a patient's or client's temporary or permanent residence for more than twenty-one (21) days after July 1, 2008, unless either the state police department or the Federal Bureau of Investigation under IC 10-13-3-39 is responsible for failing to provide the determination of the person's national criminal history background check to the home health agency or personal services agency within the time required under this subsection.

(e) This SECTION expires December 31, 2008.

(Reference is to EHB 1821 as reprinted April 11, 2007.)

Klinker, Chair

Miller

Frizzell

Rogers

House Conferees

Senate Conferees

Roll Call 521: yeas 47, nays 0. Report adopted.

CONFERENCE COMMITTEE REPORTS

ESB 463-1

Madam President: Your Conference Committee appointed to confer with a like committee from the House upon Engrossed House Amendments to Engrossed Senate Bill 463 respectfully reports that said two committees have conferred and agreed as follows to wit: that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Page 11, delete lines 37 through 42.

Page 12, delete lines 1 through 22.

Renumber all SECTIONS consecutively.

(Reference is to ESB 463 as reprinted April 10, 2007.)

Heinold, Chair

Tincher

Hume

Ruppel

Senate Conferees

House Conferees

Roll Call 522: yeas 37, nays 12. Report adopted.

JOINT RULE 20 COMMITTEE REPORTS

COMMITTEE REPORT

Madam President: Pursuant to Joint Rule 20, your Committee

on Rules and Legislative Procedure, to which was referred Engrossed Senate Bill 559 because it conflicts with House Enrolled Act 1281-2007 and Senate Enrolled Act 524-2007 without properly recognizing the existence of HEA 1281-2007 and SEA 524-2007, has had ESB 559 under consideration and begs leave to report back to the Senate with the recommendation that ESB 559 be corrected as follows:

Page 5, line 16, delete "P.L.184-2005," and insert "HEA 1281-2007, SECTION 1,".

Page 5, line 17, delete "SECTION 2,".

Page 5, line 21, after "However," insert "IC 5-22-5-9 and".

Page 5, line 21, delete "applies" and insert "apply".

Page 66, line 19, delete "P.L.235-2005," and insert "SEA 524-2007, SECTION 38,".

Page 66, line 20, delete "SECTION 204,".

Page 66, line 29, delete "(17),".

Page 66, line 29, reset in roman "(16),".

Page 67, line 31, delete "health and educational facility".

Page 67, line 32, delete "under IC 20-12-63;" and insert ";".

(Reference is to ESB 559 as reprinted April 6, 2007.)

LONG, Chair
R. YOUNG, R.M.M.
PAUL

Report adopted.

RESOLUTIONS ON FIRST READING

House Concurrent Resolution 54

House Concurrent Resolution 54, sponsored by Senators Long and Simpson:

A CONCURRENT RESOLUTION honoring retiring Indiana University President Adam W. Herbert and his wife, Karen Herbert.

Whereas, President Adam W. Herbert was named the Seventeenth President of Indiana University on June 5, 2003, also having the distinction of being the first African American President of a Big Ten University, and he has served the University and the citizens of Indiana with distinction in his dedication to furthering the mission of one of our great public higher education research institutions;

Whereas, President Herbert is recognized nationally and internationally as an educator, a scholar of public policy, and international ambassador for American higher education, and an inspired leader of higher education institutions and organizations;

Whereas, His tenure as President of Indiana University has been marked by a commitment to academic excellence and opportunity, with increased emphasis on raising funds for scholarship opportunities for aspiring students, his commitment to enhance diversity in all areas of the institution, and his support for a greater collaboration and articulation with Hoosier two-year colleges and universities;

Whereas, President Herbert highlighted Indiana University's premier role in Indiana's public higher education system by his

mandate to all Indiana University campuses to review and clarify their missions both within the university structure and within the state's public higher education system;

Whereas, President Herbert has been a visionary leader dedicated to Indiana University and to Indiana as he committed the university's intellectual capital and other resources to broaden Indiana's economy, illustrated by his active support of the university's research agenda, the Indiana Life Sciences Initiative; and the Indiana University Research and Technology Corporation;

Whereas, In addition to his service to Indiana University, Adam W. Herbert has had a distinguished career as a White House Fellow during the Ford Administration, as President of the University of North Florida, as Chancellor of the State University System of Florida, as President of the National Association of Schools of Public Affairs and Administration, as a Member of the Knight Foundation Commission on Intercollegiate Athletics, as Chair of the National Collegiate Athletics Association's Division II Presidents' Council; and

Whereas, President Herbert and his devoted wife, Karen Herbert, have jointly dedicated these last four years to the growth and improvement of Indiana University: Therefore,

*Be it resolved by the House of Representatives
of the General Assembly of the State of Indiana,
the Senate concurring:*

SECTION 1. That on behalf of the citizens of the State of Indiana we express to Adam Herbert our appreciation, respect, and affection for his dedication to Indiana University.

SECTION 2. That we express to his charming wife Karen our thanks for her contributions to Indiana University and for her graciousness as the University's First Lady.

SECTION 3. That Adam and Karen step down from their leadership roles at IU with our warmest regards and best wishes.

SECTION 4. That the Principal Clerk of the House of Representatives transmit a copy of this Resolution to President Adam W. Herbert and his wife, Karen Herbert, the Indiana University Archives, and the Indiana Historical Society.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution.

SENATE MOTION

Madam President: I move that Senator Skinner be added as coauthor of Senate Resolution 70.

MILLER

Motion prevailed.

MESSAGE FROM THE PRESIDENT PRO TEMPORE OF THE INDIANA STATE SENATE

Madam President and Members of the Senate: I have on

April 28, 2007

Senate 1439

April 28, 2007, signed Senate Enrolled Acts: 104, 157, 171, 328, and 550.

DAVID C. LONG
President Pro Tempore

**MESSAGE FROM THE PRESIDENT
OF THE SENATE**

Members of the Senate: I have on the 28th day of April, 2007, signed Senate Enrolled Acts: 94, 286, 329, and 472.

REBECCA S. SKILLMAN
Lieutenant Governor

SENATE MOTION

Madam President: I move we adjourn until 12:15 p.m., Sunday, April 29, 2007.

LONG

Motion prevailed.

The Senate adjourned at 6:44 p.m.

MARY C. MENDEL
Secretary of the Senate

REBECCA S. SKILLMAN
President of the Senate